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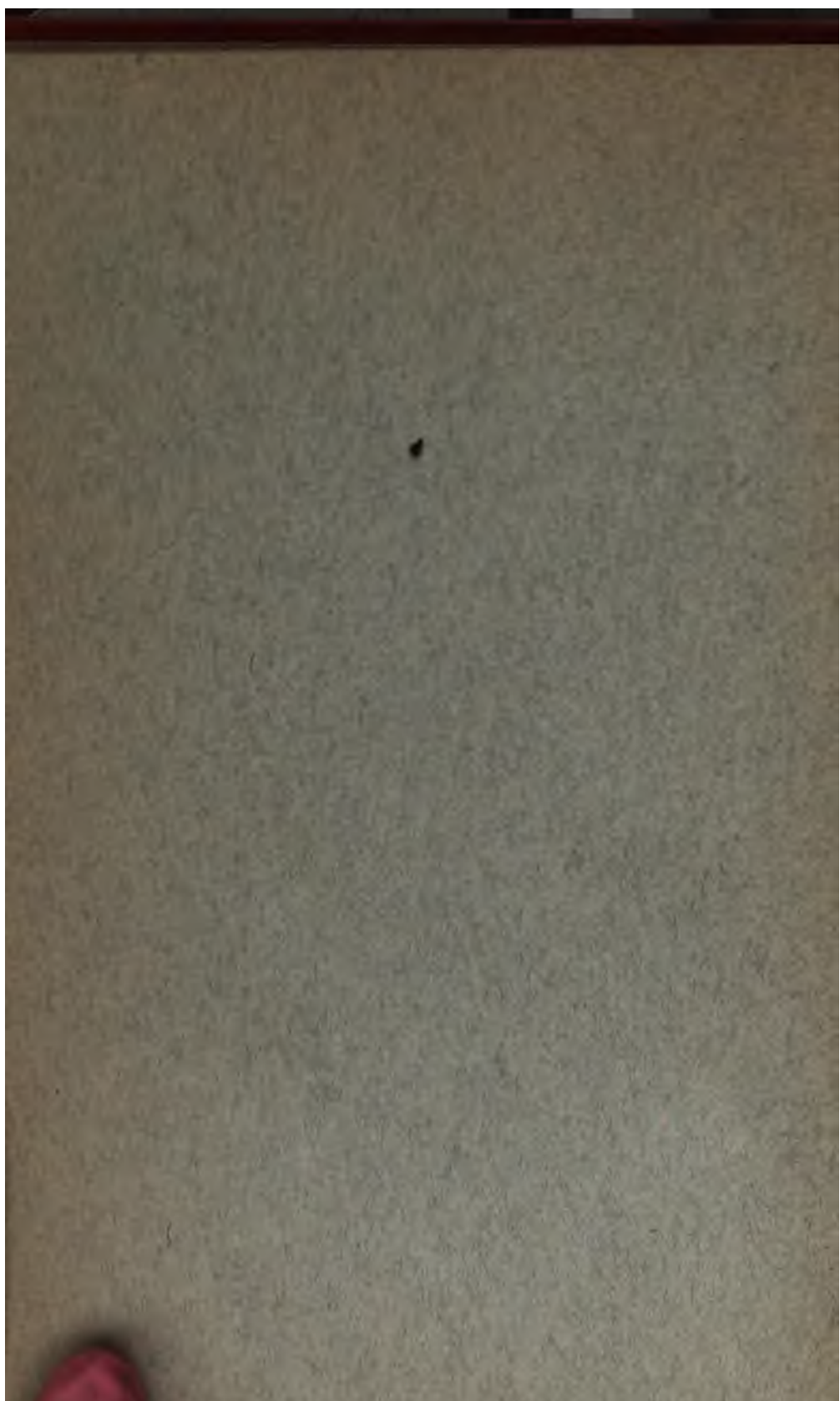
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THE  
**QUARTERLY**

OF THE



VOLUME IX

MARCH 1908—DECEMBER 1908

EDITED BY

FREDERIC GEORGE YOUNG

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SALEM, OREGON  
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THE QUARTERLY  
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[The QUARTERLY disavows responsibility for the positions taken by contributors to its pages.

EDWARD DICKINSON BAKER.

By WILLIAM D. FENTON.

Edward Dickinson Baker was born in London, February 24, 1811, and was the son of a school teacher. His family removed from England and settled in Philadelphia when the boy was about five years old. While residing there he was apprenticed to a weaver. In 1825 the family removed to Indiana, and a year later to Illinois.

His boyhood was that of the ordinary Western boy. The family lived at New Harmony, Indiana, a year or two, and finally located in Belleville, St. Clair County, Illinois. It is said that the young man, then about sixteen years of age, preceded the family on foot. About this time he went to St. Louis in search of employment, and here drove a dray one season, later returning to Carrollton, Greene County, Illinois, where he entered the office of Judge Caverly and began the study of law. On the 27th day of April, 1831, Mr. Baker, at twenty years of age, was married to Mrs. Mary A. Lee, a widow with two children, and to them were born four children, Edward D., Jr., Alfred W., Caroline C. Stevens and Lucy Hopkins. His mother's maiden name was Lucy Dickinson, sister of Thomas Dickinson, a distinguished officer in the British Navy. He had three brothers, Alfred C., a physician who lived in Barry, Illinois; Thomas B., who lived in Carrollton, Illinois, and Samuel B., who lived



in Pekin, Illinois, and one sister, Mrs. Thomas Jerome, born in Philadelphia, and who lived at Sausalito, California.

In 1832, Baker enlisted as a private soldier in the Black Hawk War, and before the conclusion of the war attained the rank of major. He was admitted to the bar in Greene County, Illinois, where he commenced the practice of his profession, and later removed to Springfield, in the year 1835. At that time Springfield had a population of about fifteen hundred people, and Baker was under twenty-five years of age. Mr. Joseph Wallace, in his "Sketch of the Life and Public Services of Edward Dickinson Baker," published at Springfield, Illinois, in 1870, speaking of Mr. Baker, at this time, says:

"At this time he was in the twenty-fifth year of his age, and in appearance not remarkably prepossessing; his dress comported well with the straightened condition of his finances. He wore a dilapidated hat of an antique pattern, and a suit of homespun jeans loosely and carelessly thrown about him; the pants being some inches too short, exposed to view a pair of coarse, woolen socks, whilst his pedal appendages were encased in broad, heavy brogans, such as were commonly worn by the stalwart backwoodsmen of the day. Nevertheless, his step was elastic, his figure neat and trim, and the features of his face regular and pleasing to the eye."

His career began under influences calculated to develop all his natural talents. He was the associate of Stephen T. Logan, Albert T. Bledsoe, Abraham Lincoln, Stephen A. Douglas, Lyman Trumbull, and other men, all of whom in later years achieved national distinction. His career began and ended in the public service. He was a member of the House of Representatives of the State of Illinois in 1837; of the State Senate in 1840-1844; was elected a Representative to the twenty-ninth Congress from Illinois as a Whig, serving from December 1, 1845, until December 30, 1846, when he resigned to accept a commission as Colonel of the Fourth Regiment of Illinois Volunteers in the war with Mexico. He participated in the siege of Vera Cruz, was the commander

of a brigade at Cerro Gordo, and at the close of the war removed to Galena, Illinois, and was elected to the thirty-first Congress, serving from December 3, 1849, to March 31, 1851, when he declined a re-election.

While he was a Whig, and his party as such opposed the prosecution of the war, Baker was in favor of its vigorous prosecution. As a slight token of the esteem in which he was held by the people of his state, and as showing approval of his conduct and position in favoring the war with Mexico, the State of Illinois presented him with a sword.

As some evidence of the natural bent of his genius, and as a forecast of the fervid patriotism which distinguished his life, it must be noted that his first public career began in the volunteer service in the defense of the pioneer-settlers of his adopted state, and for the protection of the homes of its people from savage warfare; and that his next decisive step indicating his willingness to serve his country first in the perils of war, was his resignation as a member of Congress that he might raise a regiment in his state for the Mexican War.

On the 4th of July, 1837, Mr. Baker delivered the oration at the laying of the cornerstone of the old State House in Springfield, and on this occasion his remarkable powers as an orator first came to public notice.

In 1843 it is recorded that Lincoln and Baker were competitors for the Congressional nomination from the Springfield district; both resided in Sangamon County, both were self-made, earnest and able men. After a close contest Baker finally secured an instructed delegation in his behalf, and Mr. Lincoln was one of the delegates to nominate his competitor. Neither, however, was successful, for John J. Hardin was nominated and elected. Baker, however, was elected to succeed Hardin, and Lincoln to succeed Baker. He was the only Whig representative from the State of Illinois at the time, and Stephen A. Douglas was one of his Democratic colleagues. At that time the question of national importance claiming the attention of Great Britain and the

United States was the boundary of what was then known as the Oregon Country. Baker, although a Whig, ardently supported the policy of President Polk, and was willing to justify our claims, if necessary, by an appeal to arms. On January 16, 1846, he offered a resolution in the House of Representatives by which it was declared that in the opinion of the House the President of the United States could not consistently, with a just regard for the honor of the nation, offer to surrender to any foreign power any territory to which in his opinion we had a clear and unquestioned title.

On the 29th day of January, 1846, speaking upon the resolution reported by the Committee on Foreign Affairs requesting the President to notify Great Britain of the intention of the United States to terminate the joint occupation of Oregon, and to abrogate the convention of 1827, Baker made his first great speech, in favor of its adoption. After stating the cause with clearness, and realizing the weighty issues involved in the contest between the two countries, he said:

“I admit the power of England; it is a moral as well as a physical supremacy. It is not merely her fleets and her armies; it is not merely her colonies and her fortresses—it is more than these. There is a power in her history which compels our admiration and excites our wonder. It presents to us the field of Agincourt, the glory of Blenheim, the fortitude of ‘fatal Fontenoy,’ and the fortunes of Waterloo. It reminds us how she ruled the empire of the wave, from the destruction of the Armada to the glories of Trafalgar. Nor is her glory confined to arms alone. In arts, in science, in literature, in credit, and in commerce, she sits superior. Hers are the princes of the mind. She gives laws to learning and limits to taste. The watch-fires of her battle fields yet flash warning and defiance to her enemies, and her dead heroes and statesmen stand as sentinels upon immortal heights, to guard the glory of the living. \* \* \* She has considered her honor and her essential interests as identical, and she has been able to maintain them. Sir, I would profit by her example. I would not desire to rest upon light and trivial grounds. I would be careful about committing the national

honor upon slight controversies. But when we have made a deliberate claim in the eyes of the world; when we persist that it is clear and unquestioned; when compromise has been offered and refused; when territory on the American continent is at stake; and when our opponent does not even claim title in herself, I would poise myself upon the magnanimity of the nation, and abide the issue."

Aware of the fact that he was out of harmony with the policy of his party, as a Whig, in his support of President Polk, he said:

"I desire to treat this as an American question, and I shall not be driven from that course. I am not one of those who supported Mr. Polk. I used the utmost of my ability to prevent his election; and when Mr. Clay was beaten, I confess, I felt as the friends of Aristides may be supposed to have felt when he was driven from Athens. \* \* \* Sir, the West will be true to her convictions. I believe that portion of the West which sustained Mr. Polk will still be for the whole of Oregon."

In reply to the charge that the controversy was caused by the restless spirit of Western men pressing into this new country, he replied:

"Sir, it is to the spirit which prompts these settlers that we are indebted for the settlement of the Western states. The men who are going to beat down roads and level mountains—to brave and overcome the terrors of the wilderness—are our brethren and our kinsmen. It is a bold and free spirit; it has in it the elements of grandeur. They will march, not

Like some poor exile, bending with his woe,  
To stop too fearful, and too faint to go;

But they will go with free steps; they will bear with them all the arts of civilization, and they will found a Western Empire. Sir, it is possible they may not receive protection, but, at least, they should be shielded from reproach."

In June, 1852, Baker arrived in San Francisco, California, and became a citizen of the Golden State. Here he became known as an able criminal lawyer and skillful debater in public life. He was the Republican candidate for Congress

in 1859, but suffered defeat. It is said that disappointment in some of his political ambitions influenced him to remove from Illinois to California. He did not come directly to California, but in 1851 undertook some work on the Panama Railway, contracted the fever, and was compelled to seek a northern climate on that account. After his defeat for Congress in California, in 1859, Baker removed to Oregon. It will be remembered that in April, 1860, Geo. K. Shiel was nominated as the Democratic candidate for Congress, from Oregon, and David Logan, the son of Baker's old associate, Judge Logan, of Springfield, became the Republican nominee. Baker canvassed the state in support of the Republican ticket, but Shiel was elected, receiving a majority of 104 votes over Logan. Oregon at that time was divided into three political factions; the friends and supporters of Senator Douglas were led by James W. Nesmith, and those opposed to Douglas and who favored John C. Breckenridge and Joseph Lane were in the ascendency. Abraham Lincoln meantime had been nominated for President by the Republican Convention at Chicago. In this situation and under these influences, the Legislative Assembly, elected in June, 1860, in the State of Oregon, convened September 10 at the State Capital at Salem. After a somewhat prolonged and bitter contest, James W. Nesmith and E. D. Baker were chosen, the one a Douglas Democrat, the other a Republican, and their election was brought about by a fusion of these two parties. Delazon Smith and Joseph Lane were the Democratic candidates, and Geo. H. Williams and James W. Nesmith were the independent candidates, or, more properly speaking, the candidates of the Douglas wing of the party, and E. D. Baker was the candidate of the Republicans.

Senator Baker was elected for the term commencing March 4, 1859. His credentials were presented by Senator Latham, of California, on December 5, 1860, and immediately upon taking the oath of office Senator Baker entered upon his public duty.



On February 18, 1861, Senator Baker presented the credentials of James W. Nesmith, who was elected as Senator at the same time with him, and for the term of six years, from the 4th of March, 1861. From this time forward Baker's record is the record of his country, until his death at Ball's Bluff, October 21, 1861. His election to the Senate from the State of Oregon was criticised by his contemporaries in this, that it was claimed he was a resident of the State of California, and was not identified by residence, acquaintance or property in the State of Oregon. It must be admitted that there was some foundation for this criticism, although it is not questioned that he came to the state with the intention of making it his permanent home. His ambition, of course, was to be elected to the United States Senate from the State of Oregon. Under the Constitution he was eligible; he was an American citizen, of national standing, and of an honorable career, who had seen honorable service, both in office and in war. He was the life-long friend of Abraham Lincoln, who was then a candidate for President of the United States. He had served the State of Illinois as a member of Congress; he had been a distinguished soldier in the Mexican War; he had defended the title of the Oregon Country, and in doing so had risen above his party leadership and platform. He was avowed and outspoken in his defense of the Union, and in support of the policy for which Mr. Lincoln stood. He did not deceive the people of Oregon by any false pretensions. While his election was only possible as a Republican by votes of Douglas Democrats, it must be remembered that at that time political parties were in a state of reorganization and re-alignment.

At this point in the career of this distinguished man it may be of interest to make some estimate of him as an orator. It may be admitted that the work of the historian is one of difficulty and embarrassment. Macaulay says:

"History, it has been said, is philosophy, teaching by examples. Unhappily, what philosophy gains in soundness and depth, the examples generally lose in vividness. A per-

fect historian must possess an imagination sufficiently powerful to make his narrative effective and picturesque. Yet he must control it so absolutely as to content himself with the materials which he finds, and to refrain from supplying deficiencies by additions of his own. He must be a profound and ingenious reasoner. Yet he must possess sufficient self-command to abstain from casting his facts in the mould of his hypothesis. Those who can justly estimate these almost insuperable difficulties will not think it strange that every writer should have failed either in the narrative or in the speculative department of history."

The record of the orator is most difficult to review, and an estimate of his talents cannot be made without danger from mere panegyric.

Baker had the fervor and emotion necessary to every great orator. He had fluency of speech, richness of diction, accurate memory, and impressed his audience with a sense of that reserve power which in its last analysis is the secret of all great orators.

On September 27, 1858, in San Francisco, California, Baker delivered an address in commemoration of the laying of the Atlantic cable. Among other expressions of beautiful sentiments so well expressed, he said:

"We repeat here today the names of Franklin, Morse and Field; we echo the sentiment of generous pride most felt in the Commonwealth of Massachusetts at the associated glory of her sons, but we know that this renown will spread wherever their deeds shall bless their kind; that, like their works, it will extend beyond ocean and deserts, and remain to latest generations."

His concluding sentence was:

"Our pride is for humanity; our joy is for the world; and amid all the wonders of past achievement, and all the splendors of present success, we turn with swelling hearts to gaze into the boundless future, with the earnest conviction that it will develop a universal brotherhood of man."

In this address he stated that the Atlantic cable was but one link in a line of thought which was to bind the world, and that the next link would connect the Atlantic and the

Pacific. It is recorded that when this union was effected three years later, the second message sent over the wires was the announcement of the fall of Colonel Baker at Ball's Bluff.

On September 16, 1859, David C. Broderick, United States Senator from California, and the leader of the Douglas forces in that state, was mortally wounded in a duel with Judge Terry. Baker delivered the funeral eulogy, which is charged with feeling and eloquence. This remarkable address electrified the nation, and did much to destroy a resort to the code of honor, and to unify those who believed in restriction and limitation of the slave power. Terry represented in his life and conduct, the thoughts, habits and wishes of the Southern wing of his party. Broderick was a strong and aggressive representative of those who believed in limitation of further political influence in this direction. There was, therefore, more involved than a mere personal quarrel. They represented the hot blood and temper of contending and bitter factions, and in a large sense they represented the forces that were soon to feel the shock of battle.

Speaking of this oration, Mr. George Wilkes, of New York, has said:

"At the foot of the coffin stood the priest; at its head, and so he could gaze fully on the face of his dead friend, stood the fine figure of the orator. Both of them, the living and the dead, were self-made men; and the son of the stone-cutter, lying in mute grandeur, with a record floating round the coffin which bowed the heads of the surrounding thousands down in silent respect, might have been proud of the tribute which the weaver's apprentice was about to lay upon his breast. For minutes after the vast audience had settled itself to hear his words, the orator did not speak. He did not look into the coffin—nay, neither to the right nor left; but the gaze of his fixed eye was turned within his mind, and the tear was upon his cheek. Then, when the silence was the most intense, his tremulous voice rose like a wail and with an uninterrupted stream of lofty, burning and pathetic words, he so penetrated and possessed the hearts of

the sorrowing multitude that there was not one cheek less moistened than his own."

On October 26, 1860, at the American Theater, in San Francisco, Senator Baker, en route from Oregon to Washington City, there to take his seat as a Senator of the United States, delivered a remarkable political address. He began by saying:

"I owe more thanks than my life can repay, and I wish all Oregon were here tonight. We are a quiet, earnest, pastoral people, but by the banks of the Willamette there are many whose hearts would beat high as yours if they were here. I owe **you much**, but I owe **more to Oregon**."

It will be remembered that John C. Fremont with his family was present, and that the address was delivered but a few days preceding the November election which was to result in the election of his friend Abraham Lincoln as President. He spoke two and a half hours, and moved his audience with the skill and ease of a master. His appeal was fervid, brilliant and powerful.

On January 2, 1861, he made the first of his two remarkable and celebrated replies to Senator Benjamin. This is believed by all of his critics to be his ablest effort in the Senate of the United States. Senator Judah P. Benjamin, of Louisiana, was perhaps at that time the greatest debater and orator of the South. He was a finished scholar, an able advocate, and a man of great personal magnetism. Benjamin had undertaken to establish the proposition that the states could rightfully secede from the Federal Union, and in the course of his argument emphasized the righteousness of the Southern cause. Replying to this, Baker said:

"Right and duty are always majestic ideas. They march, an invisible guard, in the van of all true progress; they animate the loftiest spirit in the public assemblies; they nerve the arm of the warrior; they kindle the soul of the statesman, and the imagination of the poet; they sweeten every reward, they console every defeat."

Baker therefore accepted the challenge that in the discussion of the question it was right and proper to argue the

right and justice of the cause. It must be remembered that this great reply to Benjamin occupied two days in its delivery, and that he had been a member of the Senate only twenty-seven days at the time. Baker at that time was fifty years of age. He had been known on the hustings as "The Old Gray Eagle." He was of striking, military appearance; he was five feet ten and a half inches high, weighed one hundred and ninety pounds.

On April 19, 1861, in Union Square, New York City, Baker addressed a great mass meeting. His first sentence in that great speech is:

"The majesty of the people is here today to sustain the majesty of the Constitution, and I come, a wanderer from the far Pacific, to record my oath along with yours of the great Empire State. The hour for conciliation is past; the gathering for battle is at hand, and the country requires that every man shall do his duty."

He concluded:

"The national banners leaning from ten thousand windows today proclaim your reverence and affection for the Union. You will gather in battalions, and as you gather every omen of ultimate peace will surround you. Ministers of religion, priests of literature, the historians of the past, the illustrators of the present, capital, science, art, invention, discoveries, and works of genius; all those will attend us, and we will conquer; and if, from the far Pacific, a voice feebler than the feeblest murmur upon its shore may be heard to give you courage and hope in the contest, that voice is yours today, and if a man whose hair is gray, who is well-nigh worn out in the battle and toil of life, may pledge himself on such an occasion and in such an audience, let me say as my last word, that when, amid sheeted fire and flame I saw and led the hosts of New York as they charged in contest on a foreign soil for the honor of the flag, so again, if Providence shall will it, this feeble hand shall draw a sword never yet dishonored, not to fight for honor on a foreign field, but for Country, for Home, for Law, for Government, for Constitution, for Right, for Freedom, for Humanity, and in the hope that the banner of my country may advance, and wheresoever that banner waves, there glory may pursue, and freedom be established."



On August 2, 1861, Baker, in the Senate of the United States, made his reply to Breckenridge, then a Senator from Kentucky. Speaking of this discussion, Mr. Blaine says:

"He (Baker) laid his sword upon his desk, and sat for some time listening to the debate. He was undoubtedly impressed by the scene of which he himself was a conspicuous feature. Breckenridge took the floor shortly after Baker appeared, and made a speech of which it is a fair criticism to say that it reflected in all respects the view held by the members of the Confederate Congress then in session at Richmond. Colonel Baker evidently grew restive under the words of Mr. Breckenridge. His face was aglow with excitement and he sprang to the floor when the Senator from Kentucky took his seat. His reply, abounding in denunciation and invective, was not lacking in the more solid and convincing argument. \* \* \* It is impossible to realize the effect of the words so eloquently pronounced by the Oregon Senator. In the history of the Senate, no more thrilling speech was ever delivered. The striking appearance of the speaker in the uniform of a soldier, his superb voice, his graceful manner, all united to give the occasion an extraordinary interest and attraction."

Baker's words were fired with the military spirit. He had been, up to that time, willing to make concessions; he had gone beyond the majority of his political associates in his desire to conciliate the South. Breckenridge had strongly argued that Lincoln was prosecuting a war of aggression in violation of the Constitution; that it was a war of conquest, waged against a peaceful and law-abiding people. At this late day, remote from the immediate conflict, it is the judgment of posterity that Breckenridge was wrong, and that Baker was right.

This was Baker's last public address. It was five days before the adjournment of the Senate, in the darkest period of the war, when the South was apparently triumphant, and had just reason to be hopeful. Baker soon quitted the chamber of the Senate for the fortunes of war. Baker had the confidence of President Lincoln. Lincoln knew him, believed in him, and gave him his commission as an officer in

the army. He was present at his first inaugural, and introduced him upon that memorable occasion. It is said that at one time a California delegation called upon the President in Congress, to present a nominee for a local office, and they disputed the right of Senator Baker of Oregon to be consulted respecting the patronage of the Pacific Coast. One of them, it is said, made some remark reflecting upon the private character and morals of Senator Baker; he had forgotten that Baker was one of Lincoln's oldest and closest friends in Illinois, and Lincoln was always loyal to the men with whom he was associated in his early days. He never forgot Stephen A. Douglas, David Davis, Edward D. Baker, John M. Palmer and Lyman Trumbull, nor did they ever fail in loyalty to him.

On March 4, 1861, when President Buchanan escorted the President-elect from the executive mansion to the capitol, where he was to take the oath of office to be administered to him by Chief Justice Taney, it was fitting that he should be introduced by Baker, and that Stephen A. Douglas, who had been his opponent for the Presidency, should stand by his side.

The oratory of Baker has been the subject of some criticism, and his contemporaries, under the immediate influence of his patriotic addresses, were perhaps not altogether free from bias in his behalf. His political opponents were expected to and did criticise him as an orator. His friends may have erred, on the other side, but at this distance, free from the influence of his time, it can be safely affirmed that his speeches rank with the greatest of their kind. It seems to me from a critical and somewhat careful examination of the subject matter, the occasion and circumstances under which each was delivered, that his reply to Benjamin is worthy of a place alongside of Webster's reply to Hayne. It is full of power, and of the loftiest diction; its sentiments are those of a man whose whole life had been devoted and consecrated to the service of his country. Other speeches were more ephemeral in their nature, and were delivered

under circumstances calculated to have immediate influence upon those who heard them. They were the inspiration of the times, and while here and there in each and in all of them are burning passages of eloquence of transcendent power and beauty, they do not survive as permanent contributions to the world's greatest and best orations. It is difficult, of course, to place a just and proper estimate upon the productions of men in this great field of human endeavor.

Thomas Jefferson, in 1814, said:

"I consider the speeches of Aram and Carnot, and that of Logan, as worthily standing in a line with those of Scipio and Hannibal in Livy, and of Cato and Caesar in Sallust."

It depends, however, upon the model which the critic admires. Jefferson, speaking of this subject in his letter to Mr. Eppes, says:

"The models for that oratory which is to produce the greatest effect by securing the attention of hearers and readers, are to be found in Livy, Tacitus, Sallust, and most assuredly not in Cicero. I doubt if there is a man in the world who can now read one of his orations through, but as a piece of task work."

Scholarly as the sage of Monticello was, he criticized the great Cicero, and speaking of a man now forgotten, said:

"The finest thing, in my opinion, which the English language has produced, is the defense of Eugene Aram, spoken by himself at the bar of the York Assizes in 1759."

But who would at this date remember Eugene Aram as an orator? Doubtless Mr. Jefferson was influenced by the remarkable defense made by the prisoner to his indictment for murder. It is said that on his trial for the murder of Daniel Clark in 1745, Eugene Aram defended himself with unusual ability. But no man now remembers what he said, and it is difficult to find a record of the address which Jefferson so much admired.

Victor Cousin, the great French orator, speaking upon this subject, says:

"The two great types of political and religious eloquence, Demosthenes in antiquity, Bossuet among the moderns, think only of the interest of the cause confided to their genius, the sacred cause of country and that of religion, whilst at bottom, Phidias and Raphael work to make beautiful things. Let us hasten to say what the names of Demosthenes and Bossuet command us to say, that true eloquence, very different from that of rhetoric, disdains certain means of success. It asks no more than to please, but without any sacrifice unworthy of it; every foreign ornament degrades it. Its proper character is simplicity, earnestness. I do not mean affected earnestness, a designed and artful gravity, the worst of all deceptions; I mean true earnestness, that springs from sincere and profound conviction. This is what Socrates understood by true eloquence."

It is difficult if not impossible to divorce the orator from the occasion. In fact, it is sometimes said that true eloquence consists in the occasion more than in what is said.

Dr. William Matthews, in his work entitled, "Oratory and Orators," has said that "the greatest speech made in America this century was made by Daniel Webster in reply to Hayne. The greatest **orator** of this country—Patrick Henry, perhaps, excepted—we think was Henry Clay."

Emerson has said that eloquence is "the appropriate organ of the highest personal energy." It must not be forgotten that the spoken word of the orator loses its power and influence when reduced to writing.

Dr. Matthews, illustrating this, says:

"The picture from the great master's hand may improve with age; every year may add to the mellowness of its tints, the delicacy of its colors. The Cupid of Praxiteles, the Mercury of Thorwaldsen, are as perfect as when they came from the sculptor's chisel. The dome of Saint Peter's, the self-poised roof of King's Chapel, 'scooped into ten thousand cells,' the facade and sky-piercing spire of Strasbourg Cathedral, are a perpetual memorial of the genius of their builders. Even music, so far as it is a creation of the composer, may live forever. The aria or cavatina may have successive resurrections from its dead signs. The delicious melodies of Schubert, and even Handel's 'seven-fold chorus

of hallelujahs and harping symphonies' may be reproduced by new artists from age to age. But oratory, in its grandest or most bewitching manifestations—the 'devotes' of Demosthenes, contending for the crown—the white heat of Cicero inveighing against Antony—the glaring eye and thunder tones of Chatham denouncing the employment of Indians in war—the winged flame of Curran blasting the pimps and informers that would rob Orr of his life—the nest of singing-birds in Prentiss's throat, as he holds spell-bound the thousands in Fanueil Hall—the look, port and voice of Webster, as he hurls his thunderbolts at Hayne—all these can no more be reproduced than the song of the sirens."

How difficult, then, it is to estimate correctly the funeral oration over the dead body of Broderick. It is true that the text has been preserved, but the great audience, stilled and filled with feeling, the great events which surrounded the tragedy, the magic presence of the great orator, all these are gone.

Mr. Rhodes, in his history of the United States, speaking of this great oration, says:

"The funeral oration was pathetic and caused profound emotion; at its close orator and people wept in sympathy. It was calculated to stir up men's hearts, and it impressed in glowing words the conviction that Broderick had been hunted to the death by his antagonists. Baker, in 1861, met an heroic end at the battle of Ball's Bluff, but before he fell, the martyrdom of Broderick had borne fruit. It produced a mighty revolution in public opinion."

It must not be forgotten that Senator Baker, after he had received his commission from the President, organized a regiment in the State of Pennsylvania, called at first the "California Regiment" and later the "71st Pennsylvania," and that he was leading these men when he fell at Ball's Bluff. How much of glory and fame this tragic end may have added to his name it is impossible to judge. At the time, General Charles P. Stone, who was in immediate command, was severely criticized, put in prison, and although asserting his innocence and demanding a trial, Stone was

released without explanation or vindication. The affair at Ball's Bluff was a disastrous defeat of great moral effect at the time. The death of Baker, under the circumstances, tended to magnify the national loss, and added lustre to his memory. He may have been rash and impetuous; his personal bravery was not questioned, but universally conceded; the fiery genius of the orator, the enthusiasm and earnestness with which he pressed a solution of every great question, may have led him into risks which a more phlegmatic man would have avoided. As a soldier Baker was brave beyond discretion. That there was mismanagement of the Union forces at Ball's Bluff is the sober judgment of history. While the casualties were not large, measured in numbers, the loss of Baker amounted to a national calamity. In the light, therefore, of his tragic death, his work as an orator must be considered.

The fame of Robert Emmett rests upon his eloquent defense before his sentence; the occasion, the circumstances, the cause in which he sacrificed his life, all these things make his memorable words immortal.

Lincoln was not an orator, and yet his second inaugural address, delivered March 4, 1865, had a permanent influence upon his countrymen, and is justly regarded as an example of the genius and intellectual greatness of its author. From that time forth the world gave, among its orators and statesmen, a high place to Abraham Lincoln. On the 19th of November, 1863, at Gettysburg, Edward Everett delivered his great oration to dedicate the battlefield as a burial place for those who had yielded up their lives in defense of their country. Mr. Lincoln followed him in an address of twenty-seven printed lines, which, for simple eloquence, is not surpassed in the English language. What was it, what is it, that has made Lincoln's address immortal, while that of Everett is scarcely remembered? One was a polished and gifted orator, the other was a simple, earnest and impressive man, burdened with the responsibilities of power and standing in the performance of duty. His words

filled the aching hearts of a waiting people; they were uttered in a great cause, and in memory of those who had sacrificed their lives that the "nation might live." His power of statement, the simplicity of his language, the earnestness with which his words were uttered, all these things make the address a classic and model.

The influence of Baker as an orator rested largely upon his simplicity of statement, his earnestness of purpose, and the apparent reserve power behind the man. There was, also, in his delivery the fervor and animation which riveted attention, in his diction, words, that pleased the ear, and in his rushing flood of passion a current that hurried men into flood-tide of patriotism. The severe critic and writer, Dr. Colton, said:

"When the Roman people had listened to the diffuse and polished discourses of Cicero, they departed, saying one to another, 'What a splendid speech our orator has made.' But when the Athenians heard Demosthenes, he so filled them with the subject matter of his oration that they quite forgot the orator and left him at the finish of his harangue, breathing revenge and exclaiming, 'Let us go and fight against Philip.' "

When that great speech delivered by Baker at Union Park, New York, April 19, 1861, had been finished, new armies of the republic leaped to the defense of the nation.

But why longer speak of him as an orator, or statesman, or soldier? Nearly a half century has passed since Baker gave his life to his country, upon the battlefield, and the words of his comrades then spoken most fitly record his virtues, his glories and his fame. Of him McClellan, in command of the Army of the Potomac, in a general order issued within twenty-four hours after Baker's death, said:

"The gallant dead had many titles to honor. At the time of his death he was a member of the United States Senate from Oregon; and it is no injustice to any survivor to say that one of the most eloquent voices in that illustrious body has been silenced by his fall. As a patriot, zealous for the honor and interests of his adopted country, he has been dis-

tinguished in two wars, and has now sealed with his blood his devotedness to the national flag. Cut off in the fullness of his powers as a statesman, and in the course of a brilliant career as a soldier, while the country mourns his loss, his brothers in arms will envy while they lament his fate. He died as a soldier would wish to die, amid the shock of battle, by voice and example animating his men to brave deeds."

Edward Dickinson Baker was buried in Lone Mountain Cemetery, San Francisco, California, on December 11, 1861. Thomas Starr King, who preached the funeral oration, there said:

"We have borne him now to the home of the dead; to the cemetery which, after fit services of prayer, he devoted in a tender and thrilling speech to its hallowed purposes."

Some seven years before that time Baker had, on May 30, 1854, delivered the address at the dedication of this cemetery.

On Wednesday, December 11, 1861, memorial services in memory of Senator Baker were held in the Senate Chamber at Washington. On that day the President of the United States, Abraham Lincoln, entered the Senate Chamber, supported by Hon. Lyman Trumbull and Hon. O. H. Browning, Senators from the State of Illinois. He was introduced to the Vice-President, and took his seat beside him, while his private secretaries, John G. Nicolay and John Hay, were seated near the central entrance. Senator Nesmith, of Oregon, speaking of the death of his colleague, said:

"As an orator Baker ranks high, and was peculiarly fascinating in his manner and diction. As a soldier he was possessed of a rare aptitude for the profession of arms, combined with that cool, unflinching courage which enabled him to perform the most arduous duties under trying circumstances, and to look upon the most fearful peril with composure. It is but a few short months since, in the presence of this body, he took upon himself a solemn oath to support the Constitution of the United States; that covenant has been sealed with his heart's blood. Death has silenced his eloquence forever, and his manly form has been



consigned to its last resting place on the shores of the distant Pacific."

At that time McDougall and Latham were the California Senators, and Senator McDougall delivered an extended and finished address. He said:

"He was a many-sided man. Will, mind, power, radiated from one center within him in all directions; and while the making of that circle, which, according to the dreams of old philosophy, would constitute a perfect being, is not within human hope, he may be regarded as one who at least illustrated the thought. His great powers cannot be attributed to the work of laborious years. They were not his achievements. They were gifts, God-given. His sensations, memory, thought and action went hand in hand together with a velocity and power, which, if not always exciting admiration, compelled astonishment. \* \* \* He was skilled in metaphysics, logic and law. He might be called a master of history, and of all the literature of our own language. \* \* \* He was an orator—not an orator trained to the model of the Greek or Roman school, but one far better suited to our age and people. He was a master of dialectics, and possessed a power and skill in words which would have confounded the rhetoric of Gorgias, and demanded of the great master of dialectics himself the exact use of all his materials of wordy warfare."

Senator Browning, of Illinois, said:

"Baker fell—as I think he would have preferred to fall, had he had the choice of the mode of death—in the storm of battle, cheering his brave followers on to duty in the service of his adopted country, to which he felt that he owed much; which he loved well, and had served long and faithfully. \* \* \* He was a true, immovable, incorruptible and unshrinking patriot. \* \* \* To Senators who were his contemporaries here, and who have heard the melody of his voice, who have witnessed his powerful and impassioned bursts of eloquence, and felt the witchery of the spell that he has thrown upon them, it were vain for me to speak of his displays in this chamber. It is no disparagement to his survivors to say that he stood the peer of any gentleman on this floor in all that constitutes the able and skillful debater, and the classical, persuasive and enchanting orator."

Senator Cowan, of Pennsylvania, said:

"Mr. President, Pennsylvania also droops her head among the states that mourn on this occasion. She, too, sheds her tears and utters her wail of lamentation over the fall of the senator and soldier. She was his foster mother. A national orphan, in his infancy and youth, she was his guardian for nurture. Perhaps he had no recollection of any other country he could call his native land but Pennsylvania, and she loved him as though he had been actually to her 'manor born.' He died under her regimental flag, bearing her commission and leading her soldiers in the deadly strife. She therefore laments his heroic and untimely death with a grief that yields to that of none else in its depth and intensity. Let Oregon, his last and fondest love, steep herself in sorrow as she may, Pennsylvania still claims an equal place at her side in this national manifestation of distress at his loss. She can hardly now realize that in his life he was not all her own, since he died so near her, and was carried from the battlefield borne upon her shield. He was also a man of intellect, cool, clear, sharp and ready; his culture was large without being bookish, he was learned without being a scholar, and studious without being a student. \* \* \* He was a true orator because he confined himself to his subject, and expressing himself with such ease that all understood him, he was effective. \* \* \* He had a fine personal appearance, and his manners were self-poised and easy, as actual contact with all ranks of men could make them. \* \* \* He is gone, and his name and character henceforth belong to history. His children will glory in both, and be known to men because of him, the proudest legacy he could leave them. His country, too, will honor his memory, and when the roll of her dead heroes is called, his name will resound through the American Valhalla among the proudest and most heroic."

Charles Sumner, then Senator from Massachusetts, said:

"There are two forms of eminent talent which are kindred in their effect, each producing an instant present impression; each holding crowds in suspense, and each kindling enthusiastic admiration; I mean that of the orator and that of the soldier. Each of these when successful wins immediate honor and reads his praise in a nation's eyes. Baker was orator and soldier. To him belongs the rare renown of this double character. Perhaps he carried into war some-

thing of the confidence inspired by the conscious sway of great multitudes, as he surely brought into speech something of the ardor of war. Call him, if you please, the Prince Rupert of battle; he was also the Prince Rupert of debate. \* \* \* In the Senate he at once took the place of orator. His voice was not full or sonorous, but it was sharp and clear. It was penetrating rather than commanding, and yet when touched by his ardent nature it became sympathetic and even musical. His countenance, body and gesture, all showed the unconscious inspiration of his voice, and he went on, master of his audience, master also of himself. All his faculties were completely at his command. Ideas, illustrations, words, seemed to come unbidden and to range themselves in harmonious forms, as in the walls of ancient Thebes, each stone took its proper place of its own accord, moved only by the music of a lyre. His fame as a speaker was so peculiar, even before he appeared among us, that it was sometimes supposed he might lack those solid powers without which the oratorical faculty itself can exercise only a transient influence. But his speech on this floor in reply to a slave-holding conspirator, now an open rebel, showed that his matter was as good as his manner, and that while he was a master of fence, he was also a master of ordnance. His controversy was graceful, sharp and flashing, like a cimeter; but his argument was powerful and sweeping like a battery."

Thus California, Illinois and Pennsylvania mingled their words of praise and expressed their common grief in memory of the distinguished dead. Pennsylvania was his adopted state, and the home of his childhood. Illinois was the scene of his first active endeavor. California, his introduction to the great West, and Oregon crowned him with the toga of a United States Senator. While he held a commission as United States Senator from the people of the State of Oregon, he was essentially a Senator of the United States.

Edward Dickinson Baker lived in a great era of his country. He was by nature and training a soldier and orator, and a statesman. Born to poverty and almost dependent upon his own exertions for advancement, his record is that of other great self-made men. His environment early led

him into political debate and conflict, and he will be known in history as one of the great figures of the Civil War. The central thought of his public life seems to have been a sincere devotion to his country. A man of deep emotion, his heart was touched and stirred by any apparent or real assault upon the integrity of his adopted country. He served his country best in his great work as an orator. His defense of the prosecution of the war, his justification of the course of the government in his replies to Benjamin and Breckenridge, constitute a sufficient passport to his immortal fame. His occasional addresses which so stirred the hearts of the people prove his genius as a master and his ability to influence the emotions and minds of men. His death ended a brilliant and useful life; but, measured by the work which he has left behind, it is not too much to say of Edward Dickinson Baker that he was a great orator, a noble patriot and a distinguished American.

## THE WAX OF NEHALEM BEACH.\*

By O. F. STAFFORD.

Thirty miles south of the mouth of the Columbia River the Oregon coast line, which for a greater part of the distance has been composed of picturesquely rugged headlands and most charming stretches of ocean beach, swings around the sacred mountain Nekahnie, of the Indians, and spreads out within a distance of two or three miles into a flat, sandy spit which serves to separate Nehalem Bay from the Pacific. Here is a spot not only beautiful in its surroundings, but rich in mysterious legends of shipwreck and buried treasure, as well as vague traditions regarding the first comings of white men to the great Northwest. There are now, to be sure, no certain relics of the shipwrecks, and about all that remains to recall the traditions are occasional pieces of wax, rescued from the sands of the spit, perchance, by a passer-by. It is of this wax particularly that the present article will deal, for it has long been a subject of interest, speculation, and even of warm controversy. In this substance many have tried to fathom an ancient mystery of the sea; others have hoped to find it a guiding index to a vault in Nature's treasure house. It has been at once an enigma to the theorizing antiquarian, the despair of the sordid promoter, and the solace of the newspaper space writer. Yet when all of the evidence bearing upon the matter is summarized the enigmatical aspects of the question are seen to disappear almost entirely.

For our first historical mention of this wax deposit we are indebted to that admirable representative of the Northwest Company, Alexander Henry, who, in company with David Thompson, official geographer of the same company, made an expedition down the Columbia to the present site

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of Astoria in the winter of 1813-14. Henry's journal, reproduced and annotated in Coues' "New Light on the History of the Greater Northwest" (Vol. II.), contains, under the date of December 8, 1813, at which time Henry was at Astoria, the following notation:

"The old Clatsop chief arrived with some excellent salmon and the meat of a large biche. There came with him a man about thirty years of age, who has extraordinarily dark red hair, and is the supposed offspring of a ship that was wrecked within a few miles of the entrance of this river many years ago. Great quantities of beeswax continue to be dug out of the sand near this spot, and the Indians bring it to trade with us."

Later, in the entry for February 28, 1814, there appears:

"\* \* \* They bring us frequently lumps of beeswax fresh out of the sand which they collect on the coast to the S., where the Spanish ship was cast away some years ago and the crew all murdered by the natives."

It is seen that Henry speaks very positively concerning the origin of the wax deposit, and doubtless his utterances represent accurately the beliefs of the people of the time and place regarding the matter. It is to be regretted that other early explorers failed to take account of the occurrence of this wax. There is no mention of the matter, for example, in the journals of Lewis and Clark. As Coues remarks, this wax is about the only product peculiar to the place that these men seem to have missed.

Horace S. Lyman, in his "History of Oregon," gives an interesting discussion of the first appearances of white men upon the Oregon coast as preserved in Indian traditions. His main authority is Silas B. Smith, an intelligent half-breed, whose mother was a daughter of the Clatsop chief, Kobaiway. Mr. Smith made a special study of the traditions of his mother's people, as a result of which he assigns the earlier comings of white men to three separate occasions, the second of which was the wrecking of a vessel near Nehalem. To quote from Lyman:

“The Indians state that ship of the white men was driven ashore here and wrecked. The crew, however, survived, and reaching land lived for some time with the natives. A large part of the vessel’s cargo was beeswax. But in the course of several months the white men became obnoxious to the Indians because of violating their marital relations. The whites were consequently killed, but fought to defend themselves with slungshot. As Mr. Smith notes, this would indicate that they had lost their arms and ammunition.”

This account, it is to be observed, agrees essentially with the details given by Henry.

References to the wax other than those just given are rather infrequent until recent times. Belcher, an early navigator, obtained some specimens in 1837. It is said that six tons of wax from the mouth of the Columbia were received at a Hawaiian port about 1847. Professor George Davidson, of the United States Coast and Geodetic Survey, while at Cape Disappointment in 1851, obtained a specimen which had been picked up on Clatsop beach. Later, in the Coast Pilot for California, Oregon and Washington Territory, 1869, Professor Davidson describes the wax deposit and evidences of the wreck from which it supposedly came. Others to refer to the subject are C. W. Brooks, in a paper before the California Academy of Science, 1875, and H. M. Davis, in a communication to the American Antiquarian Society, April, 1892.

During this whole period of eighty years extending from 1813 to 1893 no one seems to have questioned that the deposit of wax was due to any other cause than the thing traditionally accepted as its origin—a wrecked vessel. The only difference of opinion apparent in the matter was regarding the nationality of the vessel, some investigators having it of Spanish ownership, others of Chinese or Japanese. In 1893, however, a new aspect was introduced by two circumstances. The first was an opinion rendered regarding the nature of the wax by the commissioner in charge of the Austrian exhibit at the Columbian Exposition. A part of this exhibit consisted of ozokerite, a wax of mineral origin which is

of considerable economic importance, and the commissioner in charge did not hesitate to pose as an expert authority in judging substances of this kind. A sample of Nehalem wax was submitted to this official by Colonel A. W. Miller, of Portland, with the result that it was pronounced ozokerite. It should be noted, however, that a chemist in the employ of the exposition to whom the same sample was submitted insisted that it was beeswax, pure and simple.

The second circumstance tending to raise the question as to whether the substance might be beeswax or ozokerite was the publication of a series of three articles in *Science* (New York) during the summer of 1893. The first of these, appearing in the issue of June 16, was by Mr. George P. Merrill, head curator in the Department of Geology, United States National Museum, Washington, and was descriptive of samples of Nehalem wax received from a correspondent at Portland, Oregon. Quoting from this article:

“The samples are of a material closely resembling if not identical with beeswax. Such it would unhesitatingly have been pronounced but for certain stated conditions relating to its occurrence. \* \* \* The material is a grayish color on the outer surface, indicating oxidation, but interiorly it has all the characteristics of genuine beeswax, as regards physical conditions, color, smell, fusing point, and conduct toward chemical reagents. \* \* \* It is said to be found in masses of all sizes up to 250 pounds in weight; that it occurs in the sand, being found while digging clams at low tide and at a depth of twenty feet below the surface when digging wells. \* \* \* The material has been traced for a distance of thirty miles up the river. \* \* \* Tradition has it that many hundred years ago a foreign vessel laden with wax was wrecked off this coast. This, at first thought, seems plausible, but aside from the difficulty in accounting for the presence in these waters and at that date of a vessel loaded with wax, it seems scarcely credible that the material could be brought in a single cargo in such quantities nor buried over so large an area. \* \* \* My correspondent states that the material has been mined by the whites for over twenty years, but not to any great extent excepting the last eight or ten years, during which time many hundred



tons have been shipped to San Francisco and Portland.  
\* \* \* Concerning the accuracy of the above account the present writer knows nothing. It is here given in the hope of gaining more information on the subject."

The above communication is obviously an admission of complete mystification upon the part of its writer. He has little doubt about the substance being beeswax; in fact, in a later note to the present writer he says that he had no doubt about it. Yet the facts regarding the way the wax is found, as reported to him, are absolutely incompatible with any credible occurrence of beeswax. It was simply a matter requiring more information and the article is virtually an appeal for such.

Two articles were almost immediately published in Science in response to this appeal. The first was from Judge J. Wickersham, of Tacoma, Washington, who shows by reference to the writings of Brooks, Davidson, and Davis that many shipwrecks of Oriental vessels actually have occurred upon American shores and that therefore a wreck as the source of the wax was at any rate within the limits of possibility. He also calls attention to an error made in the information to Mr. Merrill regarding the amount of wax that had been recovered—no such quantities as those mentioned were ever found.

The second article was from the pen of C. D. Hiscox, of New York. It is a little peculiar in that it leaves the reader with a strong doubt about its writer ever having even seen a sample of Nehalem wax. There is given a description, to be sure, which would apply equally well to true beeswax, Nehalem wax, or ozokerite, but from the language of the article it is impossible to say which was meant. For the rest the author evidently simply consulted a dictionary and reproduced a lot of statistics for ozokerite. Although this article is often cited as an authority in discussions of Nehalem wax such citation is not justified for the reason that there is not to be found in it a single significant statement for which there is any proof.

The situation, after these developments of 1893, was not altogether clear to the average citizen without scientific training who might be interested in unusual natural products of his country. The old belief that Nehalem wax was beeswax, while not entirely discredited, was at any rate suddenly in the doubtful list. The doctors were unable to agree, apparently, which was further proof that there were at least two sides to the question. And if this were so, why not the possibility of great ledges of this material—at eighteen cents per pound? Or better yet, widespread strata of oil-bearing sands down deep below which should supply this Northwestern country with sadly needed heat units? It is not difficult to arouse public interest—sometimes. The interest created in this instance had at least one good result in that it brought about an examination of the Nehalem field by a competent geologist.

Among other duties assigned during the summer of 1895 to Dr. J. S. Diller, one of the ablest field geologists of the United States Geological Survey, was an investigation of this problem. Dr. Diller made his findings public through a letter to the *Morning Oregonian* of March 27, 1896. This letter is not only the most authoritative discussion ever published upon the subject of Nehalem wax, particularly as regards its geological aspects, but also deals so tritely with some of the other points at issue that a number of paragraphs are bodily reproduced here. Dr. Diller says:

“During a trip from Astoria southward along the coast the only place where we found fragments of the wax was near the mouth of the Nehalem. At this point it occurs buried in the deep sand just above the present high tide limit. From the accumulated sediments of the river the beach is gradually growing seaward, and not many generations ago the sea reached the place now occupied by the wax. Mr. Edwards, who was my guide at the place, showed me the stakes marking the areas already dug over by himself in obtaining almost three tons of wax. It was found in the deep sand within ten feet of the surface. He expected to continue working later in the summer, but regarded the locality as almost ‘mined out.’ We picked up a number of

smaller fragments coated with sand, and he showed me others previously collected. Among the latter were several short, cylindrical, hollow pieces like candles from which the wick has disappeared. A few larger pieces weighing from fifty to seventy-five pounds were found some years ago by Mr. Edwards, and also by Mr. Colwell. They bore marks apparently of trade. As the large pieces had all been disposed of I was unfortunately unable to study these marks. The beeswax has been found some miles up the Nehalem river, but always, so far as I could learn, close to the high tide limit. From the Nehalem beach it has been spread along the coast southward by the strong seabreezes of summer, and northward by the storms of winter.

"There are two coal fields on the Nehalem, one in Columbia county, and the other in Clatsop near the mouth of the Nehalem, but nothing whatever occurs in either field which resembles the wax, and it is evident from the location of the body of the wax that it was not derived from the adjacent land, but was transported in a body by the sea and dumped not far from its present position.

"Its mode of occurrence and the marks upon it clearly indicate that the material is not a natural product of Oregon, but they do not prove that it is wax and not ozokerite brought from elsewhere. The two substances, although very similar in their general composition, are readily distinguishable by chemical tests. Mr. H. N. Stokes, one of the chemists of the Geological Survey, to whom it was referred for examination, says: 'The substance in question is sharply distinguished from ozokerite and other paraffins by its easy decomposition by warm, strong sulphuric acid, and by being saponified by boiling with alcoholic potash, giving soaps which dissolve in hot water, and from which acids throw down insoluble fatty acids. In view of this behavior the material is evidently wax and not ozokerite.'

"Its melting point determined by Mr. Stokes is 64 degrees, centigrade, which corresponds to that of beeswax and distinguishes it from wax of other kinds known to trade."

A summary of the evidence presented by Dr. Diller shows conclusively that the wax deposit is confined, so far as is known, to a single locality, the Nehalem spit, and that fragments found up the Nehalem, or scattered along the coast, might easily be accounted for as incidental drift;

that a few generations ago the sea reached the place now occupied by the wax; that the wax is not derived from the adjacent land; and finally, that although these considerations show only that the wax must have been deposited upon the beach from the ocean, and therefore give no light upon the question as to its nature, chemical tests show decisively that it is not ozokerite, but beeswax.

It is difficult to understand how anyone could deliberately summon the temerity requisite for calling into question the points established so thoroughly by Dr. Diller, and, indeed, it must have been because of an entire ignorance of his work that the subject was opened up again in 1903, once more by adherents of the ozokerite hypothesis. An analysis of the arguments presented by these people at this time shows that they are founded upon two main assertions, viz., that the amount of wax taken out and sold is by far greater than could have been carried by a ship of a hundred or two hundred years ago, and that the substance actually proves to be ozokerite by analysis. Now, the first of these assertions is unsustained by any proof whatsoever, while the second is fully met by the evidence of Merrill and Stokes. Yet it is interesting to follow out the proofs offered, as they were advanced honestly with the full belief that they established their case.

Naturally it is impossible to arrive at any very accurate estimate upon the total amount of wax contained in the Nehalem deposit, or obtained from it. The believers in the ozokerite idea make estimates running as high as hundreds of tons, it being asserted that one man recovered 17,000 pounds. The present writer, however, after due investigation, is unable to account for so much. It is hardly probable that the early Indian traffic, such as Henry mentions, could have been very extensive. The Indians themselves, it is likely, had but little use for the wax, and there is no known record of any considerable trade in this substance by the early whites. The first hint of any extensive traffic is contained in the unsubstantiated report referred to above that

six tons were shipped to Hawaii about 1847. From this time until about the eighties the only record concerning the recovery of wax is a notation by J. J. Gilbert, of the United States Coast and Geodetic Survey, who made the survey of this part of the coast. He learned that early settlers had plowed the site of the old wreck and obtained 450 pounds of the wax, which was sold as beeswax. Dr. Diller's guide and informant, Mr. Edwards, is said to be no longer living, so that further testimony from him is not available. He is accredited, however, by all old residents of the Nehalem country, from whom it has been possible to get an opinion, with having taken out by far a greater amount of the wax than any other person. Mr. Edwards' own estimate of the amount of wax obtained by him, as he gave it to Dr. Diller, was "almost three tons." Mr. D. S. Boyakin, at present and for many years past a resident of Nehalem, and who as a merchant has kept in close touch with traffic affairs of all sorts in that locality, estimates that Edwards and other active wax gatherers known to him have secured in all not much over four tons. This, added to the six tons that may have been shipped to Hawaii in 1847, gives ten tons. Another ton or two for Indian traffic, etc., probably places a liberal estimate upon the whole amount recovered. It is almost impossible to find a piece of the wax upon the beach at the present time, and the consensus of opinion among those most expert in finding it is that the deposit is practically exhausted. The available facts, then, are not incompatible with the wreck hypothesis as far as the amount of wax to be considered is concerned.

Now as to the analyses reported to prove the substance ozokerite. A preliminary word of explanation should be given here, perhaps, in order that there may be in the minds of everyone a clear idea of the difficulties to be met in considering questions of this kind. Nature has curiously made a great many things in such a way that whereas they are fundamentally entirely different they may possess certain resemblances which are calculated to deceive even experi-



Upper end of Nehalem spit, where beeswax was found.



Pieces of candles in possession of writer. The fragment at the left side of the picture has a conical hole in the base for the reception of a peg or candle-stick to support it while in use.



Fragments of candles. Portland City Museum.





Large cake of Nehalem wax, showing engraved character. This cake, when whole, measured about 20 x 6 x 16 inches. Portland City Museum.



Large mass of Nehalem wax. Portland City Museum.





enced observers unless they exercise great caution. Rock crystal and diamond, for example, may resemble each other so as to make it difficult for even an expert to tell which is which from a visual or tactile examination. Chemical analysis, or more exact physical examinations, however, at once reveal the difference. In the present case it is a matter of distinguishing between the well known substance, beeswax, and ozokerite, the latter, in its natural state being a waxy material varying in color from creamy white through many shades of yellow, brown, green-brown, to black. The external resemblances between the two substances may be very close, although the chemical characteristics are distinctly different, as are also those physical differences which can be numerically gauged, such for example, as the temperature of melting. This matter is well illustrated in the table given below, showing the characteristics of a number of different waxes used for identifying them. From this it may readily be understood, it is hoped, how one who might depend upon mere external appearances to decide this matter might be mistaken. It is a case where the chemical properties of the substance must be depended upon, the determination of which can be made only with expensive appliances and with a considerable expenditure of time. A hasty examination not accompanied by chemical tests is certain to be unreliable, and yet the reports of analyses offered in support of the ozokerite idea have every appearance of being that very sort. It will take but a moment to pass them in review in order that they may be fairly compared with the painstaking work of the government scientists already given, and with the results of some other work done right here in Oregon which will follow immediately.

A review of the statements of authority under consideration should begin with the opinion rendered by the Austrian commissioner at Chicago and the paper by Hiscox, both of which have been discussed above. The Dearborn Drug and Chemical Company, of Chicago, made a report

to Dr. August C. Kinney, of Astoria, indicating that the wax is "a crude paraffin mixed with organic and various mineral substances." This report would apply to beeswax, as that substance normally contains as high as fifteen per cent of paraffin, the rest being organic substances of other kinds. The mineral substances here mentioned are in all probability beach sand particles such as are frequently found in the outer crusts of Nehalem wax. The Scientific American reported to Dr. Kinney that his sample was ozokerite, but the present writer has been unable to get from that paper any statement of the characters upon which their opinion was based. A sample of Nehalem wax submitted to Mr. John F. Carll, one time state geologist of Pennsylvania, was passed on to the chemist of a large oil refinery, Mr. E. B. Gray, of the Tide Water Pipe Line Company, Bayonne, New Jersey, who made a written report to Mr. Carll stating that the substance was ozokerite, but apparently basing his opinion upon nothing more than the hardness and melting point of the sample. Mr. Gray, however, when written directly for further information, replied that he had no record of any wax received from Mr. Carll. H. A. Mears, a mining operator in Southern Oregon and a pioneer in the gilsonite fields of Utah, has mentioned several competent authorities to whom he had submitted samples of the wax with the general verdict of ozokerite. In all of these cases the attempt has been made to get statements of the exact properties of this wax which led to the decisions, but without success, changes of address and other causes preventing communication. Mr. Mears' own convictions are based upon physical examinations of the substance, and it is highly probable that all of his authorities made the same mistake. Attention is again directed to the uncertain character of all of this evidence as compared with that offered by Merrill, Stokes, and Diller, and two independent analyses given below, which, by the way, completely confirm the earlier work by these men.

It sometimes happens to the chemist in Oregon that he is consulted with regard to a pitchy substance in which the finder has an interest, it may be, because of the hope that it is an indication of oil in the ground from which it was taken. The material almost invariably turns out to be a mass of pitch resulting from the slow destructive distillation process which may accompany the burning of an old fir stump or root. Such masses may be preserved in the ground for years, and have more than once been confounded with Nehalem wax. Such a specimen was taken in 1906 to Professor C. E. Bradley, then professor of chemistry at Pacific University, Forest Grove, Oregon, after having been widely proclaimed in the newspapers as Nehalem wax. Professor Bradley analyzed this material in parallel with true samples from Nehalem, showed the difference between the two, and incidentally proved the identity of the latter as beeswax.

Finally, there are the results of a very thorough analytical investigation of the Nehalem product as carried out in the laboratories of the University of Oregon under the direction of the writer by Mr. W. T. Carroll, who made this work the subject of his graduation thesis in 1903. The results are tabulated in parallel with the well established numerical values accepted for other commercial waxes in the case of each character determined so that comparisons can easily be made. It should be noted that the values given for beeswax are from a study of many samples of German, English, and American waxes, all of which are in essential agreement.

**TABLE**

Showing comparative values for certain characteristics of the more important commercial Waxes and the Wax from Nehalem Beach.

	Specific gravity.	Melting point.	Iodine value.	Acid value.	Ether value.
Beeswax (yellow) .....	.968-.975	61.5-64.0	7.9-11	17-22	72-76
Ideal standard .....	.964	62.5	8.5	20	74
Beeswax (bleached) .....	.966-.970	63.0-65.0	6.0-7.0	20-28	76-80
Ideal standard .....	.964	64.0	6.5	24	78
Nehalem wax .....	.969-.972	62.0-64.0	4.5-6.4	7.7-12.5	98-100
Average .....	.970	63.2	5.4	8.4	98.6
Annamese Wax .....	.964	61	6.0	7.8	86.6
S. E. Asian Waxes .....			6.9-12.2	6.8-9.0	85.5-99.5
Carnauba Wax .....	.990-.999	83-86	13.5	3.4-4.8	75-76
Ideal standard .....	.995	84	13.5	4.	75
Japan Wax .....	.970-.980	50-56	3-6	2-6	200
Ideal standard .....	.978	54	4	4.5	200
Chinese Insect Wax .....	.926-.970	80-81	1.4	Trace	68
Ideal standard .....	.960	81	1.4	Trace	68
Tallow (beef) .....	.943-.962	42-48	36-44	4-14	190
Ideal standard .....	.960	46	40	8	190
Spermaceti .....	.905-.960	44-49	Trace	Trace	130
Ideal standard .....	.960	46	Trace	Trace	130
Myrtle Wax .....	.995	40-44	10.7	3-4.4	205
Ideal standard .....	.995	43	10.7	4	205
Ozokerite .....	.910-.970	50-100	Trace	Trace	Trace
Ideal standard .....	.960	70	Trace	Trace	Trace
Paraffin .....	.867-.908	44-54	None	None	None
Ideal standard .....	.900	50	None	None	None

NOTE.—The pairs of figures separated by hyphens indicate the usual limits within which the value of the given characteristic lies. Single numbers represent the average value, and hence the ideal standard.

While the identity of Nehalem wax with beeswax is established in this way beyond question there exists a puzzling discrepancy in the case of two of the characters investigated, the "acid" and "ether" values. These average for true beeswax 20 and 74, respectively, while for Nehalem wax they are 8.4 and 98.6. It was at first thought that the great age of the Nehalem material, together with its exposure for so long a period to the agencies which at the sea coast are so actively destructive to animal and vegetable matter, would account for the anomaly. There was an objection to such an assumption, however, in the fact that old or bleached waxes usually give higher acid values than fresh waxes. It was a matter of great satisfaction, therefore, to learn that a recent investigation into the analytical characters shown by waxes coming from the south and east of Asia indicates that these are distinguished from all others by a low acid number, ranging from 6.3 to 9, and a high ether number, 85.5 to 99.5 (R. Berg in *Chemische Zeitung*, Vol. 31, p. 337). The actual analysis of a wax from Annam illustrates the point and is included in the table above.

The significance of the above fact in its bearing upon the origin of the Nehalem deposit is very evident. It is not only beeswax with which we are concerned, but beeswax from the Orient. The suggestion that the wrecked vessel was engaged in the carrying trade between the Philippines and Mexico is by no means a new one. Professor Davidson, who for half a century has been actively engaged in material to prove or disprove the existence of the Davidson Inshore Eddy Current along the Northwestern coast, is our highest present authority upon the matter of what the sea casts up on these shores. In a recent letter he says:

"My present belief is that the wax is from a wrecked galleon which, by stress of weather on her voyage from the Philippines, had been driven farther north than the usual route. They frequently got as high as 43 degrees, and I know of one wreck as high as the latitude of the Queniult River, Washington."

Judge Wickersham is also at the present time of the opinion that the wax came from the wreck of a Spanish vessel bound from the Philippines to Vera Cruz by way of the North Pacific Current (Kuro Shiwo), which, by the way, seems to have been the route universally taken by eastwardly bound vessels.

Dr. Joseph Schafer, professor of history at the University of Oregon, calls attention to two particularly interesting references in connection with the trade relationships existing between the Philippines and Mexico during early times. The first is from Blair and Robertson, "Philippine Islands," Vol. XV, p. 302:

"A Dutch writer of about 1600 in describing the Philippines says, 'They yield considerable quantities of honey and wax.'"

The second reference is to Morga, long a governor of the Philippines, sailing from there to Mexico in 1603. His writings are considered the most authoritative extant as regards the Philippines of the early period. In describing the trade from the Islands to Mexico he says:

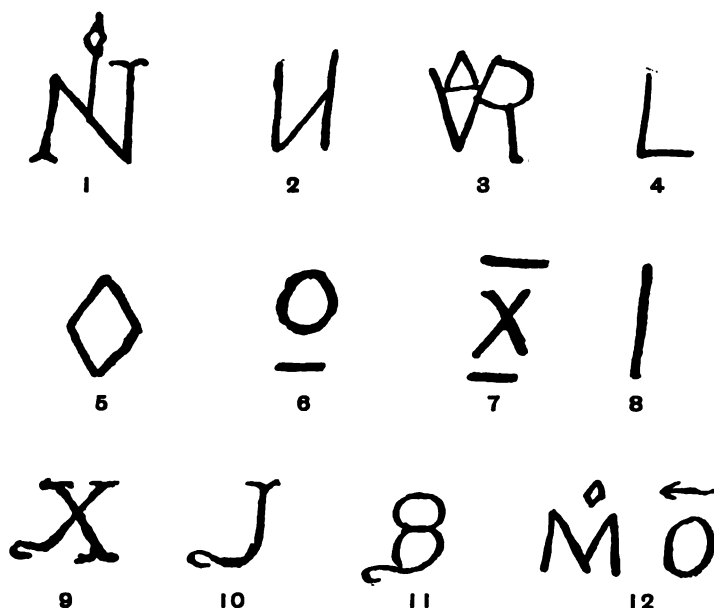
"\* \* \* In these classes of merchandise (brought from Siam and other parts of the Orient) and in the productions of the Islands—namely, gold, cotton cloth, mendrinaque, and cakes of white and yellow wax—do the Spaniards effect their purchases, investments, and exports for Nueva Espana (Mexico)."

If anything more were needed to establish the hypothesis of a wrecked Spanish vessel it would be an authentic account of the wreck itself. Since the only account known is the one preserved in Indian tradition, we are denied such a crowning bit of evidence. We do have, however, the knowledge that exactly such wrecks did occur. In a reference kindly supplied by Professor Davidson, Venegas' History of California, Vol. II, p. 388, there is an account of the wreck of the San Augustin in Drake's Bay, 1595, where was left "great quantities of wax and chests of silk."

A most interesting feature of the question is presented by the appearance of the wax as it is taken from the sand of the beach. Some mention of this has already been made in the articles my Merrill and Diller given above. The irregular pieces have occurred in a great variety of sizes and shapes, while the "candles" vary from a half inch to three inches in diameter and up to ten inches in length, in all cases being broken, apparently, from greater original lengths. The wicks are usually entirely missing, an axial cavity occupying the place. In a specimen owned by the writer there is to be seen the conical cavity formerly common in candles for supporting them upon wooden pegs. A considerable number of the larger pieces of wax have been in the form of well-defined cakes bearing mysterious markings. One of these cakes is preserved in the Portland City Museum, together with several pieces of less regular shape and some candles. Most of them have been melted and sold, however, and the engraved characters consequently destroyed. Tracings of the characters have been preserved in a few cases, while enough others have been reproduced from memory to give a fair idea of their nature. Their meaning is problematical, although it is fairly certain that they are the brands of the makers or dealers originally handling them. In the various efforts that have been made to get light upon the origin of the wax these characters have been submitted to high authorities among the Japanese and Russians, as well as to Latin scholars in the Roman Catholic church and the libraries of Germany, but always without obtaining the least clue regarding their significance. Through the kindness of Dr. F. F. G. Schmidt, of the University of Oregon, a special effort was made during the summer of 1907 to get an interpretation of the marks from German sources. Even men highly skilled in deciphering old Latin manuscripts, in which a whole word or phrase is sometimes embodied in a single monogram-like character, failed to recognize anything intelligible in the marks. An



importer and dealer in waxes, however, pronounced them marks of trade, such as he had often seen upon waxes com-



Facsimiles of the characters observed upon pieces of Nehalem wax.

The first is also seen in the photograph of the specimen now in Portland City Museum. Numbers 2 to 8 inclusive were reported to Dr. Diller. Numbers 9, 10, and 11 are from tracings made by D. S. Boyakin, of Nehalem, 9 and 10 being upon the same cake. Number 12 was upon a cake reported by Professor Davidson. The size of the cake bearing number 1 was about 20 x 6 x 16 inches, while the cake bearing numbers 9 and 10 was about 20 x 12 x 4 inches.

ing in from outside countries. After all, the trade-mark explanation is not unsatisfactory. The symbols can be said to have their counterparts in the brands devised for branding stock upon Western cattle ranches, and may be even less obscure in meaning than the year-mark upon a piece of Rookwood pottery is to the uninitiated.

Occasionally a piece of "sandstone" is found upon the beach impregnated with Nehalem wax. This stone consists of beach sand, in the main, cemented together with the

beeswax softened enough at some time by a drift fire, it may be, to percolate into the sand. Mr. Boyakin calls attention to the resemblance that this "stone" bears to the residues left in the kettles used for melting down the wax for market, and it is altogether possible that these rare bits of material were formed in that way. At any rate it is now certain that the so-called sandstone is a consequence and not the cause of the wax deposit.

# POLITICAL BEGINNINGS IN OREGON.<sup>1</sup>

## THE PERIOD OF THE PROVISIONAL GOVERNMENT, 1839-1849

By MARIE MERRIMAN BRADLEY.

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<sup>1</sup> Thesis submitted for the degree of Master of Arts, University of Wisconsin, 1907.

## CHAPTER I.

## PHYSIOGRAPHIC INFLUENCES.

The scope of this paper might include the rise of three Western States, for, from Oregon as it was in the beginning, Oregon, Washington and Idaho (the Pacific Northwest) have been formed. My discussion, however, will be confined more particularly to that section which comprises the Oregon of to-day.

The Oregon of 1817 embraced all lands west of the Rocky Mountains north of the 42d parallel. The northern boundary was still in dispute, the United States claiming 54 deg. 40 min., while Great Britain insisted upon the Columbia River.

Oregon, so far as climatic conditions are concerned, might be two different States, separated by the Cascade Mountains. In the eastern, which is by far the larger section, the land is mostly semi-arid. Admirably adapted to wheat growing in some sections, before the irrigation projects are completed, much the larger portion will be used for stock grazing. At the time under discussion, it was a trackless waste, visited only by the Indian tribes, and by an occasional trapper.

There it was that the Nez Perces, famous in Western history, led the allied tribes, the Grand Rondes, Klamaths, Umatillas, Wascos, etc. These mountain tribes were fierce and warlike; the whole environment tended to make them so. They led an active out-of-door life; their diet was mountain game. Theirs was a finer physique and a higher grade of intelligence than the coast tribes, a squalid, inactive people, subsisting, for the most part, on fish.

The soil of Western Oregon is exceedingly fertile, the climate warm, the atmosphere humid. There was the home of the Willamette Indians, whose chief, Multnomah, was ruler over the confederated tribes, which included all the tribes of the Oregon country, from the Rogue Rivers and Klamaths on the south to the Colvilles and Flatheads on the north; from the Blackfeet and Shoshones on the east, to the Quinsoults, the Cowletz, the Tillamooks and the Siletz on the west.

Oregon Territory was disputed ground. The claim of the British was "geographically based."<sup>2</sup> The east and west line of the Saskatchewan River had, at a very early date, carried English explorers in Canada to the northern arm of the Columbia among the Selkirk Rockies. Discovery of the mouth of the river, by an international principle, established by the British themselves, gave the great stream to the United States; but the northern source was in the hands of the British.

Expansion moved naturally down stream. Trading posts were already established on the near Canadian waters; wealth, organization and strong political backing gave the British company an effectiveness which that of Astor lacked. By 1834 the Hudson's Bay Company had fortified every strategic point, and when the American emigrants began to come in, it was evident that possession would be contested.

Economic conditions were an important influence in determining the type of colonists to settle in the territory. For example, about the time of the great immigrations, the New Orleans market was so overstocked that farm produce sold at a very low figure. The farmers of the Mississippi Valley disposed of their farms and, without a regret, joined the westward movement. They wanted a seaboard State and a market for their goods.

In the maritime world Oregon was destined to become an important factor. Fort Vancouver was the market and base of supplies for the fisheries of the North Pacific and for the fur sealers of the Bering Sea. The Orient was a great market for American products and also a great source of supply for America to draw upon, and through Oregon was to be opened the path to the Orient.

In an analysis of the influences affecting the course of civil government in Oregon, a prominent place should be given to that slow, yet powerful, westward movement of population. "It consisted of a people aggressive and assertive of their own wants, and of their ability to get them."<sup>3</sup> Posses-

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<sup>2</sup> Semple, *American History and Its Geographic Conditions*, p. 205.

<sup>3</sup> Robertson, J. H., *Oregon Historical Society Quarterly*, 1900, Vol. I, p. 8.

sing but little knowledge or reverence for the intricacies of international usage, or the restrictions of a conservative legislative body, *they* were the sovereign power, and if they determined upon having the West, it must finally be had. This was the movement which led thousands of intrepid immigrants to anticipate the government in going to remote regions. Those who remained behind had now a greater interest in that country, and before long, it was to be the impulse from this movement which aroused the national consciousness to the importance of the Oregon question, gave it a place among the problems of the nation, put it upon the platform of a political party as a prominent issue, forced the settlement of the boundary question and finally secured a civil government.

## CHAPTER II.

### THE BEGINNINGS OF GOVERNMENT.

To trace the development of government in any State means to begin with the first settlement in that State, or even farther back, with the government of the people who made that first settlement. In the present paper, however, I shall begin with the first *definite* steps toward organization, giving only passing mention to the earlier status.

By 1813 the Pacific Fur Company, the only American company that ever made any considerable progress towards gaining a foothold in the Oregon country, had passed into the hands of the British. In 1818 the treaty for the joint American and British occupation of the Northwest country was signed, so technically the country was open equally to British subjects and American citizens. In 1820, the two British companies that had been operating in the Northwest consolidated under the name of the Hudson's Bay Fur Company. Thence forward a most conservative policy was followed. The population, both native and white, was kept dependent upon the company's headquarters at Vancouver. Settlement of any kind was discouraged.<sup>1</sup> Men wishing to

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<sup>1</sup> Lang, H. D., History of the Willamette Valley, p. 230.

quit the employ of the company, were transported out of the country before they were given their discharge. A despotic regime was the result. Dr. John McLoughlin played the role of despot, but the despot was humane.<sup>2</sup>

As chief factor of the Hudson's Bay Company, McLoughlin's rule was absolute. He virtually held the power of life and death over the Indians and the British subjects could remain only on sufferance by him. Of course, theoretically, he had no power over the American settlers, but they were so dependent upon the factor at Vancouver that his power over them was almost unlimited. Frederick V. Holman says of him: "Nature seems to have used an especial mould for the making of Dr. McLoughlin. Physically he was a superb specimen of man; six feet four inches in height, he was beautifully, almost perfectly proportioned. Mentally he was endowed to match his magnificent physical proportions. He was brave and fearless; he was true and just; he was truthful and he scorned to lie. The Indians, as well as his subordinates, soon came to know that if he threatened punishment for an offense, it was as certain as the offense occurred."<sup>3</sup>

McLoughlin was absolute master of himself and of those under him. He allowed none of his subordinates to question or disobey. This was necessary in order to conduct the business of the company, and preserve peace in the vast Oregon country. He was *facile princeps*, there was no second, yet with all these dominant qualities, he had the greatest kindness, sympathy and humanity.<sup>4</sup>

By 1820, the problem of extending the American jurisdiction over the Northwest territory was discussed, but few thought seriously of it. Webster and many of his contemporaries ridiculed the idea. The immigrants of the thirties

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<sup>2</sup> See "McLoughlin Document," found among Dr. McLoughlin's private papers after his death. Published in the proceedings of the Oregon Pioneer Association, 1880, pp. 46-55.

<sup>3</sup> F. V. Holman, McLoughlin, The Father of Oregon. Address delivered on McLoughlin Day at the Lewis and Clark Exposition. Published in Oregonian, October 8, 1905.

<sup>4</sup> Mrs. E. E. Dye, McLoughlin and Old Oregon, p. 12.

petitioned, but with no result.<sup>5</sup> As early as 1838 the Methodist missions furnished a magistrate and constable, who dispensed justice according to frontier ideals.<sup>6</sup> Their authority, of course, was only over American citizens; they did not understand dealing with Indians, and often conflicted with the company officers. The great missionary reinforcement of 1840 made it evident that some form of government was necessary.<sup>7</sup> Matters were brought to a crisis during the winter of 1840-41.

Ewing Young came from California to the Willamette and died there. He left a property, large for pioneer days, but no will, and no known heirs.<sup>8</sup> The question arose, how was the property to be disposed of?

A committee on arrangements was chosen at Young's funeral, and a mass meeting was held at the Methodist Mission, February 17, 1841.<sup>9</sup> The meeting was composed largely of members of the mission. Ministers were chosen for the offices of president and secretary.<sup>10</sup> A resolution was passed to draft a code of laws for the government of the settlement south of the Columbia and to admit to the protection of these laws, all settlers north of the Columbia, not connected with the fur company.<sup>11</sup>

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5 J. K. Kelly in *Proceedings of Oregon Pioneer Association*, 1882, pp. 11-12.

6 Bancroft, *History of Oregon*, Vol. I, p. 292.

7 Lang, H. O., *History of Willamette Valley*, pp. 233 and 237.

8 Brown, J. H., *Political History of Oregon*, Vol. I, p. 83.

9 Bancroft, *History of Oregon*, Vol. I, p. 293.

10 Grover, *Oregon Archives*, p. 5.

11 From the transfer of Astoria in 1813, down to 1840, the British were superior.

There were three classes of Americans:

(1) The American trapper who was hostile to the Hudson's Bay Company.

(2) The American missionary, attached to the American interests.

(3) The American settler, who had come to make a home.

In 1842 the whole American population numbered 137, of which 34 were white women, 32 white children, and 71 white men.

Lang, H. O., *History of the Willamette Valley*, p. 232.

Grover, *Oregon Archives*, p. 5.



That first day nothing more was done than to nominate candidates for governor, supreme judge, with probate powers, three justices of the peace, three constables, three road commissioners, an attorney-general, clerk of the court, public recorder, treasurer, and two overseers of the poor.<sup>12</sup>

The second day was attended by both French and Americans, and there was less sectional feeling. The Americans attempted to propitiate and secure the co-operation of the Canadians, for it would be difficult to organize without them. At that meeting, February 18, 1841, a missionary was called to the chair, and two secretaries, one from each side, were appointed.<sup>13</sup> A committee was named to draft a provisional government. Of this committee, one was a Catholic priest, three were Methodist preachers, three were French Canadians, and two were American settlers.

But one of their number had any knowledge of law or the manner in which legal meetings should be conducted. They decided to defer the election of a governor to a later session, owing to the jealousy of the several missionary aspirants, and the opposition of the settlers to a government by the missionary party.<sup>14</sup> A supreme judge was appointed, with probate powers, and instructed to act according to the laws of New York State until a provisional government should be adopted.<sup>15</sup> After appointing a clerk of the courts, a public recorder, high sheriff and two constables, they adjourned to meet June 7.

At the adjourned meeting it was found that nothing had been done, no code had been drafted; jealousy and strife had begun to show itself. British interest versus American; Catholic versus Protestant.<sup>16</sup>

The Catholic priest asked to be excused from the commission; an American settler was chosen in his place.<sup>17</sup> The

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<sup>12</sup> Grover, Oregon Archives, p. 5.

<sup>13</sup> Ibid, p. 6.

<sup>14</sup> Brown, J. H., Political History of Oregon, Vol. I, p. 84.

<sup>15</sup> Grover, Oregon Archives, p. 6.

<sup>16</sup> Brown, J. H., Political History of Oregon, Vol. I, p. 84.

<sup>17</sup> Grover, Oregon Archives, p. 7.

committee was instructed to report the first Thursday in October, and in the meantime to confer with the commander of the U. S. exploring expedition and with Dr. John McLoughlin. Resolutions were adopted to rescind the nominations of previous meetings;<sup>18</sup> to instruct the committee on constitution to take into consideration the number and kind of officers necessary to create in accordance with the constitution and code; the report of the nominating committee to be referred to the legislative committee.<sup>19</sup> They then adjourned to the October meeting.<sup>20</sup>

The withdrawal of the Catholic priest was intended to indicate that the Canadians would have no part in the organization of the government, hence the rescinding of the nominations including their names. Many of the citizens were opposed to any nomination so long as things were peaceful. Wilkes, the commander of the American squadron on the Coast, counselled a moral code rather than a civil one. Baffled at every turn, but believing that the United States would soon extend jurisdiction over them, the missionary party consented to drop the political scheme for the present. There was no more agitation that year.<sup>21</sup>

The arrival of White in 1842, with a commission as sub-Indian agent, started afresh the advocates of legislation. The idea of White as a civil head was intolerable. His recognition by the United States Government was a point in his favor, and the missionary party used all their influence to snub his pretensions, and confine his activities to the management of Indian affairs.

A debating society was organized at Oregon City to agitate the question of a civil organization. Overtures were again made to the Canadians. They professed a cordial sentiment toward the Americans, but would not join in the movement. Their co-operation was necessary, and some means must be

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18 Ibid.

19 Grover, *Oregon Archives*, p. 7.

20 Bancroft, *History of Oregon*, Vol. I, p. 344.

21 Lang, *History of the Willamette Valley*, p. 245.

devised to appeal to their interests. The meetings that have gone down in history as the "Wolf Meetings,"<sup>22</sup> by their name suggest the interest that was appealed to. These meetings were called to devise some means of protection against the wolves which preyed upon the stock of all. Little was done at the first meeting, February 2, 1843, but to announce a meeting for March 6, at the home of Joseph Gervais, half way between Salem and Champoeg (or Champoick.) At that meeting there was a full attendance; bounties were fixed,<sup>23</sup> and means of exterminating the wolves discussed, and at the close of the meeting, a committee was appointed "to take into consideration the propriety for taking measures for civil and military protection of this colony."<sup>24</sup> The question was skillfully agitated among the Americans and French settlers. The hostile attitude of the natives in the interior; the need of a military organization, and the benefit to be derived from a land law, were the ruling motives with the Americans, but these did not influence the Canadians.<sup>25</sup>

The determining meeting was called at Champoeg for May 2, 1843, and the committee reported in favor of a provisional government.<sup>26</sup> Unable because of confusion in the course of proceedings to decide the question, the American cause was in danger of being lost, when Joe Meek, with the instinct of a leader, strode forward, saying: "Who's for a divide? All in favor of the report, follow me!"<sup>27</sup> The day was won; the count stood 52 for, 50 against organization.

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22 Lang, *History of the Willamette Valley*, pp. 251-253.

23 Grover, *Oregon Archives*, p. 9.

24 *Ibid.*, p. 11.

25 Grover, *Oregon Archives*, p. 12. An address of the Canadian citizens of Oregon, to the meeting at Champoeg, March 4, 1843.

26 *Ibid.*, p. 14.

27 H. W. Scott, *Oregon Hist. Society Quarterly*, 1900, Vol. II, p. 103.

Joe Meek is one of the picturesque characters in Oregon history. A cousin of President Polk, he came to Oregon as a young man, married an Indian bride, to whom (unlike so many of his countrymen) he was always faithful. He represented the type of sturdy pioneer who won and held the great Pacific Northwest.

## CHAPTER III.

## THE PROVISIONAL GOVERNMENT.

After organization was decided upon, there was still some difference of opinion among its champions. Some were for complete independence of both the United States and Great Britain, and a permanent government, others for a provisional government until such a time as the United States should extend her authority over the Oregon country. The final decision went for provisional government, and a committee was appointed to draw up a constitution to be submitted to the people at Champoege, July 5, 1843.<sup>1</sup> This committee holds an important place in Oregon history. Unlearned, the most of them, they were honest and sincere, and struggling for the best interest of the commonwealth with which they had cast their lot.

The legislative committee held sessions the 16th, 17th, 18th and 19th of May; the 27th and 28th of June. They deliberated with "open doors" in an unoccupied barn.<sup>2</sup> A committee of three prepared rules for business.<sup>3</sup> Committees were appointed on ways and means, judiciary, military affairs, land claims, and district divisions.<sup>4</sup>

July 5, 1843, the people again assembled. The civil officers elected in May were sworn in upon an oath drafted by a special committee.<sup>5</sup>

The report of the legislative committee was submitted. The preamble read:<sup>6</sup> "We, the people of Oregon Territory, for the purpose of mutual protection and to secure peace and prosperity among ourselves, agree to adopt the following laws until such time as the United States of America extend their jurisdiction over us." The Ordinance of 1787 had been

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1 Grover, Oregon Archives, pp. 14, 15.

2 Lang, History of the Willamette Valley, p. 257 (J. Q. Thornton.)

3 Grover, Oregon Archives, p. 17.

4 Ibid.

5 Ibid, p. 24.

6 Grover, Oregon Archives, p. 28.

adopted, making such changes as conditions required, and in many cases the laws of Iowa were embodied in the constitution. A "Bill of Rights" provided for:

1. Freedom of religious belief and worship.
2. Right of habeas corpus and trial by jury.
3. Judicial procedure according to common law.
4. Moderate fines and reasonable punishment.
5. Proportionate representation.
6. Encouragement of morality and knowledge.
7. Maintenance of schools.
8. Good faith towards the Indians.
9. Prohibition of slavery.

Provisions for the necessary organs of government were made by providing:<sup>10</sup> a legislative branch to consist of nine persons elected annually; an executive, to consist of a committee of three; judicial, consisting of a supreme and associate judges, and justice of the peace. Provisions for subordinate officers, a battalion of soldiers and grants of land to settlers, etc., were made.

The military law provided that there should be one battalion of militia in the Territory, divided into three or more companies of mounted riflemen. It provided for the officering and governing of the companies and set forth at length the duties of the officers.<sup>11</sup>

The law of land claims <sup>12</sup> was the most important. It required that a claimant should designate the boundaries of his land, and have the same recorded in the office of the territorial recorder, in a book kept for that purpose, within twenty days of making his claim, unless he should be already in possession of his land, when he should be allowed a year for recording a description of his land.

It required also that improvements be made by "building or enclosing" within six months, and that the claimant should

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<sup>10</sup> Ibid, pp. 29, 30.

<sup>11</sup> Oregon Archives, pp. 33, 34.

<sup>12</sup> Ibid, p. 35.

reside upon the land within a year after recording. No individual could hold a claim for more than one square mile or six hundred and forty acres in square or oblong form.

Article IV forbade holding claims on town sites, or extensive water privileges, and other situations necessary for the transaction of mercantile or manufacturing operations. That article was largely the work of Shortess, who was in sympathy with the Methodist missions. It was aimed also to deprive McLoughlin of his claim at Oregon City.<sup>13</sup> The Mission also held land at Oregon City, but it was protected by the last clause, which provided that, "Nothing in these laws shall be so construed as to affect any claim of any mission of a religious character, made previous to this time, of an extent not more than six miles square."

The report of the committee having been adopted, the next step was the choice of an executive. Some were in favor of a single executive, others of an executive committee of three. The committee faction won, and the committee was immediately elected.<sup>14</sup>

Another problem was the division of the country into districts for executive purposes. It was finally divided into four districts as follows:

1. *Tuality*, including all territory south of the boundary line of the United States, west of the Willamette, north of Yamhill and east of the Pacific.
2. *Yamhill*, all west of the Willamette, and line from said river south, lying south of the Yamhill river, to the parallel of 42 deg. north latitude.
3. *Clackamas* district, to include all territory not included in the other districts.
4. *Champoeg* (or Champoick), bounded on the north by a supposed line drawn from the mouth of the Anchiyoke River,

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<sup>13</sup> In an address delivered at the Lewis and Clark Exposition on McLoughlin Day, Mr. Frederick V. Holman deals at length with the mean intrigues of the Mission party to deprive McLoughlin of his land. Published in the *Portland Morning Oregonian*, October 8, 15, 22, 1905.

<sup>14</sup> Grover, *Oregon Archives*, p. 26.

running due east to the Rocky Mountains; west by the Willamette and a supposed line running due south from said river, to the parallel of 42 deg. north latitude; south by the boundary line of the United States and California, and on the east by the summit of the Rocky Mountains.

The chief object of the Methodist Missions, in their desire to establish a government, was to have some legal method of holding the lands they had selected against the incoming emigrants. There was a political significance, too. By adopting the Ordinance of 1787 as a basis, it was intended to settle the slavery question west of the Rockies as it had been settled in the Old Northwest, and by extending the jurisdiction over the whole of Oregon up to "such time as the United States should take possession," the right of Great Britain to any part of the country was ignored, a step in advance of the position publicly taken by the United States Government.

The provisional constitution made no provision for taxation. Expenses were met by voluntary subscriptions.<sup>15</sup> The government had no public buildings; meetings were held at private houses. Its defects were soon apparent. It was evident that the government was not adequate to the needs of so large a community, or for any length of time. However, its imperfections were looked upon as a safeguard by those who feared independence from the United States.

The question of separation became the all-absorbing one, and became the basis of party lines in the territory. The immigration of 1843 had brought in a people of prominent character,<sup>16</sup> some of them inclined to be roughly arrogant. They were interested in the provisional government; if the laws pleased them, well and good; if not, they would change them. They were irritated by Jason Lee's assertion that the Mission would govern the colony. In those early, generous-hearted frontiersmen was an inherent dislike for the close-fisted Yankee. The pioneers were not hampered by religious

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<sup>15</sup> Grover, *Oregon Archives*, p. 27.

<sup>16</sup> Lang, *History of the Willamette Valley*, p. 261, also pp. 275-277.

scruples, yet they were men of stronger mentality and greater stability than the missionaries. Sometimes, it is true, they lacked the refinement, always lacking the polish and ease of the East, they were more congenial to the Hudson's Bay men than were the missionaries.

Of the immigration of 1843, some affiliated with the Hudson's Bay men, some with the missions. Of the earlier settlers, about one-half had approved the formation of the Provisional Government on the basis of international law. These were anxious to confer with the newcomers and they were not adverse to drawing party lines. The United States took no action; something must be done without delay to strengthen the Provisional Government. The Mission opposed any step, because a union between the two nationalities would take the control out of their hands. To others, it was not loyal to act independently of the United States.

The words of the first message of the executive, December 16, 1844, sum up the situation thus:<sup>17</sup> "At the time of our organization it was expected that the United States would have taken possession of this country before this time, but a year has rolled around and there appears little or no prospect of aid from that quarter, consequently we are left to our own resources for protection. In view of the present state of affairs, we would recommend to your consideration the adoption of some measures for a more thorough organization." The following changes were recommended: *First*, the creation of a single executive in the place of three. *Second*, an increase in the number of representatives in the legislative department. *Third*, a change in the judicial system. *Fourth*, a change in the statutes.

The recommendations were followed and the changes made. An act was passed defining the jurisdiction of the government. This act confined it to the region south of the Columbia.

Provision was made for raising revenue. All who refused to pay the taxes were denied the right of suffrage. The man-

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<sup>17</sup> Grover, Oregon Archives, pp. 56-59.



ufacture of all intoxicating liquor was prohibited, and all negroes and mulattoes were ordered to be expelled.

The code made no provision for the method of conducting elections, except by adopting the laws of Iowa for that purpose.<sup>18</sup> These laws were unfamiliar to most, as there was but one copy in the territory. Two-thirds of the voters of 1844 were of the late immigration and had had neither time nor opportunity to be informed regarding the requirements, or their duties as officers of the election.

The legislature of 1844 has been censured for undoing so much of the work of the previous year.<sup>19</sup> Yet while three-fourths of the legislative body were newcomers, two-thirds of the executive committee who recommended the change were old colonists. The man most influential in making the change was one Burnett, an ex-District Attorney of Missouri. The constitution was so constructed that it was impossible to separate the fundamental from the statutory part of the code; or to understand where the constitution left off and the statutes began. It was necessary to make some distinction before further legislation could take place.

As the organic law stood, it was all constitution or all statute. No mode of amendment was provided for. If the organic law was the constitution, it would be revolutionary to amend it. Unless it could be considered statutory, and amended or appealed from, there was nothing for the legislative committee to do. Therefore, it was decided to consider it statutory, remodel, where they could improve upon, without altering the spirit or intent of that portion understood to be fundamental.

In the formation of the organic law, the reason for vesting the executive in a triumvirate was to prevent a division which would defeat the organization. Now there was no danger of that. An act was passed, vesting the gubernatorial power in

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<sup>18</sup> For discussion of the adoption of the Iowa laws into the Oregon code, see F. L. Herriot, *Oregon Historical Society Quarterly*, 1904, Vol. V, p. 140, etc.

<sup>19</sup> Bancroft, *History of Oregon*, Vol. II, p. 431.

a single person, to be elected at the next annual election, to hold office for two years, with a salary of \$300 per annum.

By the organic law, the judicial power was vested in a supreme court consisting of a judge and two justices of the peace. The judiciary act of 1844 vested the judicial power in circuit courts and justices of the peace, provided for the election of one judge with probate powers, whose duty it should be to hold two terms of court annually, in each county, at such times and places as the law should direct.

The land law of 1843 was repealed and another passed in its place, by which the conditions were narrowed so that only free men over eighteen years of age, who would be entitled to vote, if of lawful age, and widows, could lawfully claim 640 acres. The recording of claims was dispensed with because of the long journey it involved. Occupancy meant actual residence by the owner or agent.

A second act was passed which authorized the taking of 600 acres of prairie and 40 acres of timber land, *not* contiguous. Partnership claims were allowed for double the amount to be held for one year, the improvement to be on either half. The object of this legislation was to prevent the missions from holding thirty-six sections, and thus repeating the monopoly of the California Catholic missions. On the whole the measure was popular; the missions were placed on the same footing as other claimants, and the issue between some of the missionaries and McLoughlin regarding Oregon City property was ignored.

The division of counties made by the committee of 1843 was vague as to the northern boundary. In 1844 the Columbia River was made the definite northern boundary of Oregon. There was much discussion as to the meaning of the act. Did the United States give up the claim to the territory north? or were the servants of the Hudson's Bay Company prohibited from a share in the government? A definitive clause was added which made Oregon Territory "That land between 42 deg. and 54 deg. 40 min." Thus our position was made very clear.

A disturbance at Oregon City, for which a free negro was to blame, offered a good chance of ridding Oregon of the negro for all time. Many of the settlers were from slave States; too poor to be plantation owners, they saw the evils of poverty and of slavery, and could not look with complaisance upon free negroes, and they were determined to leave a free heritage for their children. Article IV of the organic law prohibited slavery or involuntary servitude, except as punishment for crime whereof the party should have been duly convicted. The legislature, besides settling the matter of slavery in Oregon, wished to rid the country for all time of every free negro and mulatto within the territory and prevent the coming of more.

Money was scarce in the infant territory, and some medium of exchange was needed. Wheat was made legal tender for taxes and judgments and all debts when there was no special contract to the contrary. Stations were designated where wheat might be delivered in payment for public debts.<sup>21</sup>

April 8, 1845, the convention met at Champoege for the election of Supreme Judge, Governor, etc. The code of 1844 had driven the Canadians to unite with the Americans in government organization, because, otherwise they could not protect their lands. The two principal parties here became evident, the American and the Independent, the latter including the Canadians who desired a constitution. The chief issue of the American party was that the "Organic law of 1843 was the law of the country *until* the people had voted upon the amendment of 1844." "Because," they contended, "the people had not yet resigned the law-making power." This opposition tended to strengthen the Independents who favored a new code.

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<sup>21</sup> Fort George in Clatsop County; Cowlitz Farm or Fort Vancouver in Vancouver County; at the company's warehouses at Linnton; store of F. W. Pettygrove in Portland; Tualatin (now Washington County); McLoughlin Mills, or Island Milling Company in Clackamas County; warehouses of the Milling Company or of the Hudson's Bay Company in Champoege County; some place to be designated by the collector in Yamhill County.

The leading spirit of the legislature of 1845 was Jesse Applegate, an extremely conservative man; his object was to make as few changes as possible in the original organic laws.

After several meetings, the legislature decided that it was without power to act until the people had approved of their proceedings. Accordingly they adjourned until an election could be held, and the people informed. Manuscript copies<sup>22</sup> of the original laws of July 5, 1843, of the amended laws, and a schedule declaring the Legislature and Governor elected in June to be the officers to carry the amended organic laws into effect, were sent to each polling place, to be read three times to the voters. If the people adopted the last two, the Legislature could proceed to formulate a code suited to the wants of the colony.

According to Gray, many voted against the compact because the Legislature was allowed to regulate the introduction, manufacture and sale of intoxicating liquors. Others because the servants of the Hudson's Bay Company were not admitted to equal privileges with themselves. Notwithstanding the opposition, in the special election of July 26, 1845, a majority voted in favor of the organic law as amended. By this action, the Methodist Mission and the Hudson's Bay Company ceased to be political powers, either to be feared or courted.

The first law passed by the authorized legislature was one to prevent duelling.<sup>23</sup> Early in the session a bill was passed adopting the statutes of Iowa,<sup>24</sup> so far as they were applicable to the circumstances of the country. The reasons for adopting the Iowa laws are evident. In the first place, there was but one copy of the Iowa code in Oregon, and so far as we have been able to find out, there was no other copy of any kind of a code within reach of the legislators, and ignorant of modes of legal procedure as they were, it was necessary that they have some guide. Moreover, Iowa was a new State, and the one nearest to Oregon. Like Oregon, she had passed

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<sup>22</sup> Grover, Oregon Archives, p. 88.

<sup>23</sup> Grover, Oregon Archives, p. 90.

<sup>24</sup> Grover, Oregon Archives, pp. 100-102.

her minority under the Ordinance of 1787, under similar conditions. Her laws were less conservative and more progressive than those of the older States.

Having adopted a code and set a committee to work adapting it to the country's needs, the next step was to restore the jurisdiction of the Provisional Government, north of the Columbia. This was done by setting off the district of Vancouver, which embraced all that part of Oregon northwest of the Columbia River. McLoughlin joined with the Americans "for protection and interest."<sup>25</sup> James Douglas<sup>26</sup> was elected district judge for three years. Several other Hudson's Bay men were elected to office.

Thus came into existence that government, characterized by J. Quinn Thornton as "Strong without an army or navy, rich without a treasury,"<sup>27</sup> so effective that property was safe.

The formation of the Provisional Government met no opposition from Congress or the President, and received no formal recognition from them. A long step was taken and all was gained that could have been gained by the United States and without the complications that might have arisen, had the various necessary bills been proposed in the national Congress.

A permanent break was made with the old order of things. The fur-trading regime was forced to give place to an agricultural civilization; the way was prepared for an American Government, and the final settlement of the Oregon question was made easier. The English company tried to adjust itself to the new conditions and preserve its old authority, but their aristocratic social machinery was unable to cope with the democratic Provisional Government, in meeting the needs of an agricultural settlement. The effect of the change upon

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<sup>25</sup> Grover, *Oregon Archives*, p. 119.

<sup>26</sup> Descendant of James Douglas, Earl of Angus, the Black Douglas of Scottish history.

<sup>27</sup> Quoted by J. R. Robertson in *Oregon Historical Society Quarterly*, Vol. I, p. 40.

the Indians was more serious. The establishment of agricultural settlements meant loss of lands and the changing of habits of a wilderness existence. It became necessary for the National Government to take some steps to protect the settlers from the Indians.

## CHAPTER IV.

OREGON, 1845-1849.

The Hudson's Bay Company censured McLoughlin severely for his friendship to the American mission, and his interest in the American movement. So in the autumn of 1845, feeling himself spied upon by the British Government,<sup>1</sup> and having large property interests south of the Columbia, and being weary of the responsibility that with increasing years became unceasingly burdensome, he tendered his resignation as chief factor of the company, and took up his residence at Oregon City the following spring, with the intention of becoming an American citizen, when the boundary question should be settled or his resignation accepted.

The next spring came the news of Polk's election on the "54-40 or fight" platform. The threatened war with England caused McLoughlin much perplexity. He could not change his allegiance *in time of war* without forfeiting his estates in Canada, and, perhaps, his life, as a traitor. Neither could he, in event of war, have held his dearly bought claim in Oregon City. His resignation was promptly accepted, however, and Jesse Applegate advised him to take the oath of allegiance at once. He would have done so, but Burnett claimed that he had no authority to administer the oath. To Burnett's timidity, Applegate attributes much of McLoughlin's subsequent trouble.

In 1845,<sup>2</sup> for the first time there was a prospect of having the laws printed, a company having been formed, which owned a printing press and materials, at Oregon City, to which ap-

<sup>1</sup> McLoughlin Document. Oregon Pioneer Association Report, 1880, p. 54.

<sup>2</sup> Grover, Oregon Archives, p. 141.

plication was made for proposals to print the laws. The company was known as the Oregon Printing Association.<sup>3</sup> One article of their constitution declared that the press should never be used by any party for the purpose of propagating sectarian doctrine, or for the discussion of exclusive party politics. The reason for this was that there were men in the association who wished to control the Methodist influence. The Methodist Mission being largely represented in the association.<sup>4</sup>

The first editor of this paper was William G. T'Vault, an uncompromising democrat of the Jeffersonian school. T'Vault was a marked character in early Oregon history. In 1858 he was elected representative of the first general legislature. In 1855 he, in company with Taylor and Blakely, established the Umpqua Gazette of Scottsburg, the first paper south of Salem.

The recommendation of Governor Abernethy that proposals be received for the location of the seat of government created but little interest.<sup>5</sup> Two proposals were received. Neither met with entire approval. Petitions signed by sixty settlers of Champoege County to defer action marked the beginning of Salem's long struggle for the capitol. The matter was practically postponed by the passage of an act ordering that future sessions of the Legislature meet at Oregon City until further directed by law.

Two other topics of general interest occupied the legislature of 1846, namely, the liquor law and the districting of the Territory. Burnett's liquor law of 1844 was found to be

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<sup>3</sup> For Printing Press Compact see G. H. Himes, in Oregon Historical Society Quarterly, Vol. III, p. 337.

<sup>4</sup> Gray says the originators of the printing association were the same that started the Multnomah Circulating Library, the Wolf Association, and the Provisional Government. The pioneers of 1843 founded the Library. Gray claims to have originated the Wolf Association, while Jason Lee was the first projector of the Provisional Government. The truth is, Governor Abernethy was largely interested in the printing association, and in spite of the protest contained in the eighth article, the press was controlled by the missionary influence. Shares of the stock sold at \$10.00 each. The first paper was the Oregon Spectator, appearing for the first time February 5, 1846. Its motto was "Westward the star of Empire takes its way."

<sup>5</sup> Grover, Oregon Archives, p. 168.

inadequate to prevent the use of intoxicating drinks.<sup>6</sup> It became an offense to give away "ardent spirits" as well as to sell or barter, and a fine of fifty dollars was imposed for each violation of the law. It was made the duty of every officer or private citizen who knew of the distillation of any kind of spirituous liquors, to seize the distilling apparatus and deliver it to the nearest county judge or justice of the peace. Not more than one-half a pint could be sold by any practicing physician for medical purposes.

The following legislature (1847) amended the law whereby liquor could be sold under certain restrictions. This action was inspired chiefly by opposition to the Hudson's Bay Company. The settlers felt that so long as the fur company kept liquors at Vancouver, the Americans should not be deprived of the benefits of the traffic. Every British subject in the house voted against the bill and Governor Abernethy vetoed it, but it passed over his veto and Oregon has not had complete prohibition since 1846.

By 1847 the population had increased enough to warrant the adding of two new counties: Lewis County, comprising all Oregon Territory north of the Columbia and west of the Cowlitz, up to 54 deg. 40 min.; and Polk County, south of Yamhill, including all territory between the Willamette and the Pacific. Neither county was allowed a sheriff of its own; Vancouver did duty for Lewis, and Yamhill for Polk.

Abernethy was nominally the head of the American party as it had been when there was a Hudson's Bay party. No such association as the latter now existed, because the British inhabitants were politically fused with the American, and most of them were only awaiting an opportunity to become naturalized citizens of the United States. But the real American party was now that party which had been, in the first days of the Provisional Government, opposed both to foreign corporations and Methodist missions; from this time on, for several years, the only parties were the American and the Missionary. The Governor belonged to the latter.

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<sup>6</sup> Grover, Oregon Archives, pp. 158-208.



The settlers of that struggling western territory longed to see the American flag floating over them, longed for the time when they should feel secure in person and in property, under the protection of that flag. After the election of James K. Polk, and after the final settlement of the boundary question, they hoped that they would have to wait only long enough for the accomplishment of the legal forms, until they would be a part of the Union, but they were doomed to bitter disappointment.

The summer rolled around and September came, more than a year after the settlement of the boundary question, before any information was received of the doings of the national legislature, in the matter of establishing a Territory in Oregon, and then it was only to inflict further disappointment. The president had, indeed, strongly recommended the establishment of a territorial government in Oregon, and a bill had been reported by Douglas of Illinois, in December, which passed the House the 16th of January, "but there Southern jealousy of free soil nipped it."<sup>7</sup>

Frequent memorials were sent to Congress by the settlers, complaining of neglect, setting forth their inability to deal with the Indians and with criminals.<sup>8</sup> Governor Abernethy, upon his own responsibility sent J. Quinn Thornton to Washington to plead the cause of the territory, an action which aroused much opposition in the American party, for it was felt that Thornton represented the interests of the missions more than those of the territory, and his conduct in Washington shows that such was the case. Not to Thornton, but to Joe Meek is due the credit for final recognition.

"Affairs in Oregon reached a crisis at precisely the same time as in the sister Territory of Texas."<sup>9</sup> This in itself

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<sup>7</sup> Oregon Spectator, September 8, 1847.

"The stubborn opposition of the South was not due to lack of sympathy, but to a sense of danger to their sacred institutions, from extending the principle of the Ordinance of 1787 to territory acquired since its adoption."—Mason of Virginia in the Congressional Globe, 1847-48, p. 913.

<sup>8</sup> Brown, Political History of Oregon, Vol. I, p. 141, also p. 250.

<sup>9</sup> Lyman, History of Oregon, Vol. II, p. 65.

would warrant the presumption that the growth of each was due chiefly to national causes. Each was the child of a national movement, and a national aspiration rising from the needs of the people of the United States, and neither Oregon or Texas would have reached a settlement according to national requirements separately.

In Congress they were championed by Calhoun, representing the politician who is sometimes wiser than the statesman. He made no pretenses, but to represent the will of the people. He therefore demanded that all of Oregon to 54 deg. 40 min. be allowed to the United States, and negotiated a treaty with Texas for the admission of the Lone Star State as a member of the Union. That his heart was not with Oregon soon became apparent;<sup>10</sup> but the claim was made only so he could press the annexation of Texas. The question of slavery was now fast absorbing all interest, and obscuring even the greater question of national life.

It was apparent to Calhoun that the South and West must be united. It was also apparent that Texas must be admitted as a slave territory. It was apparent that on this demand, northern territory as a counterpoise must be admitted. Oregon to its full extent was, therefore, freely demanded. Against such a combination there could be no effective opposition.

Such was the situation at the close of the Provisional Government in Oregon. It was ready for admission, but the promises so loudly made, and so faithfully kept with Texas, were not so well remembered with Oregon. The politicians who had seen the necessity of electing Mr. Polk on the platform of "Oregon and Texas, 54 deg. 40 min. or fight" were, now that Texas was secure, ready to forget Oregon. The boundary was settled but no territorial government was provided.<sup>11</sup>

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<sup>10</sup> Brown, *Political History of Oregon*, Vol. I, p. 61.

<sup>11</sup> Brown, *Political History of Oregon*, Vol. I, p. 438.

## CHAPTER V.

## THE OREGON QUESTION IN CONGRESS.

At the time the real contest which was to decide the final ownership of the Northwest territory was being fought, our national legislature knew little and thought less about the Oregon Country,<sup>1</sup> and when they did think of it, they did not consider the possibility of its adding three stars to the flag. There were few Americans west of the Rocky Mountains and the soil was generally believed to be sterile and unfit for agricultural pursuits.

In 1820 the Oregon question appeared in Congress through a motion by Floyd of Virginia, to investigate the advisability of establishing a military post at the mouth of the Columbia River. The bill aroused little interest, and no action was taken in regard to it, but such discussion as it did call forth shows no doubt as to the validity of our claims. The opposition was based upon the ground of diversity of interest of the two sections, there was no reference whatever to the convention of 1818.

A second bill providing for the occupation of the Columbia was introduced in 1822. In support of the bill Floyd made a very able speech, pointing out the benefits to be gained by connecting the Columbia with the Mississippi and Missouri, which would open a mine of wealth to the shipping interests. He also developed the possibilities of opening the trade with the Orient, by means of the Oregon Country. January 23, 1823, this bill was defeated in the House by a vote of 180 to 68. The discussion caused by the bill, however, served to arouse the interest of the people in the Oregon Country, and to educate them to a realization of at least a part of the value of the Northwest Coast.

Another bill, for establishing a military post at the mouth of the Columbia, was reported in January, 1824. In the report Floyd quoted General Jesup's estimate of the cost of

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<sup>1</sup> Brown, Political History of Oregon, Vol. I, p. 61.

establishing the post. General Jesup favored the measure from a military point of view, as enabling us to secure the entire territory at the end of the period of joint occupation and also as a protection to trade at the present time. Mr. Trimble, who supported Floyd, concluded his argument by saying, "Our rights will cease at the end of ten years; instead of our people having the exclusive right, we shall be excluded entirely, when, if we take possession, as we ought to do, the rights of the British will cease in 1828."<sup>2</sup>

This measure was recommended by Monroe in his last message in 1824.<sup>3</sup> It finally passed the House, but was lost in the Senate, not, however, without a tremendous effort on the part of Benton of Missouri to secure its passage. In the beginning of his speech he made four assertions which he attempted to prove,<sup>4</sup> to-wit:

1. Our claim to sovereignty is disputed by Great Britain.
2. England is now the party in possession.
3. England resists possession by the United States.
4. The party in possession in 1828 will have the possession under the law of nations, until the question of sovereignty be settled by war or by negotiations.

He argued that some action was necessary to prevent the territory from falling into the hands of another nation.<sup>5</sup> He thought that the tranquillity of the public mind was due, not so much to indifference, as to the fact that they supposed their title to be undisputed. By estimates based upon the Mississippi trade, he made clear the immense gains that were possible, for the natural advantages were all on the American side. While it took three years to make the circuit from the British headquarters, it could be done for the United States

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<sup>2</sup> *Annals of Congress*, 17th Congress, 2nd Session, p. 812.

<sup>3</sup> *Richardson, Messages of Presidents*, Vol. II, p. 250.

<sup>4</sup> *Seventeenth Congress (1823)*, 2nd Session, *Annals*, p. 246.

<sup>5</sup> "The Republic, partly through its own remissness, partly from concessions of our ministers, but chiefly from the bold pretensions of England, is in imminent danger of losing all its territory beyond the Rocky Mountains."—Benton, *Debates in Congress*, Vol. VII, p. 363.

between May and September.<sup>6</sup> Moreover, he considered Oregon worth holding for the sake of the Columbia fisheries and timber.<sup>7</sup>

Tracey of New York was one of the bitterest opponents of the bill. He declared that, rather than being a Garden of Eden, this Oregon country was an inhospitable wilderness, or an inaccessible coast; the climate was bleak, and the cheering sunbeams were hardly ever seen; that because of the humidity, it was impossible to raise the valuable products of the Atlantic Coast.<sup>8</sup> He objected further to the establishment of military posts, "For," he said, "we now enjoy all the advantages we have the right either to expect or demand." He considered that a small garrison would only provoke a cruel and expensive Indian war. Military posts, he held, were for the purpose of protecting the frontier, but not for attracting of population to an exposed situation. "The God of Nature," he said, "has interposed obstacles to this connection which neither enterprise nor science of this or any other age can overcome. Nature has fixed a limit for our nation, she has kindly interposed as our western barrier, mountains almost inaccessible, whose base she has skirted with unreclaimable deserts of sand. This barrier our people can never pass. If it ever does, it becomes the people of a new world, whose feelings and whose interests are not with us, but with our antipodes."<sup>9</sup> Furthermore, he thought it impossible that the two sections of the country could ever be brought under the jurisdiction of the same government; and it is a significant fact that very few statesmen of the time considered it possible to bring the trans-Rocky territory to a footing equal to the Eastern States. Most of the men who advocated American occupancy, thought that the country should be held as a colony, and that in the case of independence, it was better to

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6 Seventeenth Congress, 1st Session, Vol I, p. 308 (Benton's Speech.)

7 At that time Columbia River timber was being shipped to Chili and Peru.

8 Seventeenth Congress, 1st Session, Annals, Vol. II, p. 592.

9 Seventeenth Congress, 1st Session, Annals, Vol. I, p. 598.

have an independent state of American origin as a neighbor than a British colony.<sup>10</sup>

Thus the matter dragged on. Each session the question of boundary settlement and occupation of the Columbia, after some discussion was laid on the table, never to be taken up.

By 1826, as the time of the joint occupation drew to a close, the authorities were awakened to the value of the territory they were allowing to slip from their hands. They recognized the truth of Rush's statement that the Oregon Country was of more value to the United States than to any other nation. In 1824 a new commission was appointed to settle the boundary dispute. Rush represented the United States; Stratford Canning and William Huskeson, England. Rush made very definite claims for his government, of the ownership of the Northwest Coast, west of the Stony Mountains, and between the 42nd and 51st parallels. The British rejected this settlement and proposed as a compromise the 49th parallel to the Columbia, thence down the Columbia to the Pacific, which, of course, was promptly rejected by the Americans.

By the end of 1824, the House of Representatives had passed a bill for the occupation of the mouth of the Columbia, by a military force. A speedy settlement of the question was desirable to both parties. England was becoming alarmed at the action of Congress, for settlements were detrimental to fur trade; moreover, if America attempted to take possession before the expiration of the treaty, England must withdraw in a manner repugnant to English pride, or use force in defending a "country not worth fighting for." The only alternative of a costly quarrel was a settlement by acknowledgment of boundary or a continuation of the Joint Occupation Treaty of 1818.

In 1826 Canning was ready to reopen negotiations. Gallatin, now associated with Rush, was sent his instructions, to offer an extension of the 49th parallel to the Pacific, and if the line was crossed by any navigable stream, the English

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<sup>10</sup> Wm. Barrows, *Oregon; The Struggle for Possession*, pp. 192-195, also 199.

Bancroft *History of the Northwest Coast*, p. 351.

should have the right to navigate them to the ocean. The old grounds of our claims were gone over, the chief points being, (1) our claims by right of discovery, (2) the settlement of Astoria, (3) the Louisiana Purchase (contiguous territory), (4) the Spanish treaty of 1819. The British claimed that the whole question had been settled by the Nootka Sound Convention, no agreement could be reached, so a compromise was arranged by continuing indefinitely the treaty of 1818, subject at any time to abrogation by either party on twelve months' notice.

Then for some fourteen years the Oregon question was but slightly agitated. England, beginning to realize that delay hurt her cause, proposed a conference which was held in 1846. This conference settled the northern boundary on the 49th parallel to the ocean.

The President's message of 1847 recommended that the Oregon territory should have the privilege granted under the constitution, that it should be given a legal government and a territorial representation.

There was a fierce struggle over the bill, the opposition tried to kill it by postponing it until the end of the session, but Benton, always Oregon's best friend<sup>11</sup> in the Senate, finally brought it to a vote.

The people of Oregon had twice before that time voted down the slavery question. They declared that slavery should not exist in Oregon, so in drawing up the bill the anti-slavery clause had been taken from the Ordinance of 1787, to fully represent the wishes of the people. The slavery interests made overtures to the Oregon supporters to consent that the bill should remain silent on the subject, and promised unanimous support in case that was done, but the supporters of the bill, knowing the wishes of the people of Oregon and determined to win the fight on the line they had started, refused and the anti-slavery clause remained a part of the Oregon bill.<sup>12</sup>

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<sup>11</sup> Letter from Benton to People of Oregon, copied in Brown's Political History of Oregon, Vol. I, p. 811.

<sup>12</sup> Brown, Political History of Oregon, Vol. I, p. 355.

The only amendments agreed to were, a proviso in the first section confirming to each Mission in Oregon 640 acres of land; second, amendments on commerce concerning the establishment of a collection district, ports of entry and delivery, and extending the revenue laws of the United States over Oregon, also allowing appropriations for the erection of light-houses at the mouth of the Columbia River and at Admiralty Inlet; the third, a section preventing the obstruction of the rivers by dams, which would prevent the free passage of salmon.

The bill was attacked in the Senate by Davis and Foote of Mississippi, Butler and Calhoun of South Carolina, Mason of Virginia and others of equal note, and was warmly supported by Houston of Texas, Benton of Missouri, as well as Douglas, Webster, Corwin, Dix, and Collmer. It was a bone of contention for several weeks. Calhoun employed a morning session until adjournment with one of his most commanding efforts. The Senate and the large audience were held by the force of his reasoning, and when he closed, silence reigned for some time and was broken only by a motion to adjourn.

The bill passed the Senate by a close vote, and went to the House, where the storm of opposition broke out afresh. But it passed there also, in course of time, and came back to the Senate with some unimportant amendments, towards the close of the session. Then its opponents rallied again, and undertook to kill it by delay, using every possible expedient known to parliamentary warfare to insure its defeat, and on this ground the battle was fought over again. "Tom Corwin supported the bill in one of his most telling efforts, and Tom was not particularly tender towards the slavery interests even in his best moods."<sup>13</sup> It was after hearing this speech that Father Ritchie, as they passed out of the Senate chamber, said to Thornton, "A few more speeches like that would dissolve the Union."<sup>14</sup>

<sup>13</sup> From an account of the session by J. Q. Thornton, printed in Brown's Political History of Oregon, Vol. I, p. 306.

<sup>14</sup> Brown, Political History of Oregon, Vol. I, p. 306.

J. Q. Thornton was the representative appointed by Governor Abernethy to represent the Territory in Washington. Meek was elected by a vote of the legislature.



Congress was to adjourn Monday, August 14, 1848. It was Saturday, the 12th, and the Oregon bill was under discussion when Butler of South Carolina moved to go into executive session. The friends of the bill had resolved to vote down every motion to adjourn until the bill should pass. Saturday night at ten o'clock Foote arose and announced his intention to keep the floor until Monday noon, the final hour of adjournment. He commenced with a scriptural history and continued until two hours after sunrise Sunday morning, only giving way to motions for adjournment. The friends of the bill were in the adjoining room, with a page on guard who gave notice of each motion to adjourn, when they filed in and voted it down. Sunday morning the opposition had tired themselves out and gave up the game. Foote was silenced by his friends. The bill passed, though by only a small vote, August 14, 1848, in precisely the same form that it passed the House.<sup>15</sup> The long and trying ordeal was over and Oregon was a territory of the United States on her own terms.

The rule disallowing bills to be presented for signature on the last day of the session was suspended, and this bill was signed August 14. The President returned it to the House with a message in which he reviewed the question of free and slave territory at some length, deploring the agitation arising from it, and predicting that it would, if not checked, dismember the Union.

Polk, of course, was anxious to have the question, which had been so vital an issue in his campaign, settled before his term of office expired, so lost no time in organizing the new territory and appointing the officials.

The newly appointed Governor, Lane, accompanied by Meek—now holding a commission as marshal—set out at once for the scene of their labors, and arrived in Oregon City March 2, 1849, just two days before the expiration of Polk's term. The next day Lane issued his proclamation and the transition from a provisional to a territorial government was made.

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<sup>15</sup> The bill was similar to other territorial bills, one noticeable feature in that it was the first bill to set aside two sections of land in each township in place of one for school purposes.

# FROM YOUTH TO AGE AS AN AMERICAN.

By JOHN MINTO.

## CHAPTER I.

### REMINISCENCES OF FORESTS AND MINES.

The writer was born to the avocation of a coal miner in 1822; and it seems to me at 85 years of age I must have an hereditary love of forests. My observation of forest growth began when I was too small to be trusted alone in a piece of natural forest yet remaining near my birthplace on the banks of the Tyne River, nine miles west of Newcastle.

In those woods there were shallow pits and caves in the sides of hills—evidences that surface coal seams had been opened and worked out and probably the best trees had been cut for props, just as they were being cut in the coal regions of which Pottsville and Pittsburg, Pennsylvania, were the centers when I reached the United States in 1840, in my eighteenth year. Trees were cut up rather than down in England at that date; ropes, blocks and pulleys were used to throw the tree to the best advantage. It was cut below the surface of the ground, and, if a tan bark tree, cut when the sap was up, and peeled. No part was wasted, as even the small twigs were added to a small charcoal pit, provided to save the last chip.

Coal was mined and sold at Pittsburg in 1840 cheaper than wood could be cut. Small bodies of natural forest yet stood near the city. In these the newly arrived English youth could wander at will and see the varied autumn leaves fall, and hear and feel the spat of hickory nuts, walnuts and acorns falling in ripeness to the ground.

In Washington County the change from wood to coal fuel was beginning from the same reasons of economy. In early spring of 1842, hearing that the Great Western Iron Works of Brady's Bend of the Alleghany were starting up, I went

there, but was too early. Clearing ground, opening the coal seams and ore beds, squaring timbers and erecting buildings, were the kinds of work required. The Americans of the district could beat the English, Scots, or Welsh at such jobs.

I saw the wonderful flight of the passenger pigeons here. The five days I was there I saw the passage of flocks in hurried flight, each day and all day, in countless numbers. They must have come from immense bodies of mast-bearing forest which had been destroyed and the pigeons had to disappear with its destruction. As grasshopper plagues cease with the cultivation of the land—being compelled to migrate—so was it with the pigeons. There were still some wild deer and turkeys in this valley of the Alleghany within fifty miles of Pittsburg. But farms were small, as there were stone, timber and brushwood in the way of the plow. The largest trees were often killed where they stood by “girdling”—cutting through the sapwood all around the tree. There was no thought of timber famine and little attention to trees as objects of beauty.

To remove the obstacles in the shape of brush and young trees up to six inches in diameter, and to girdle the remaining trees, was worth acre for acre of the land so cleared. The writer refused a contract for clearing fifty acres on those terms, with five years’ time allowed for performing the contract. The offer was made by an honorable man entirely responsible.

I made a journey into Canada West (now Ontario) to search for kindred arriving in 1818. The clearing of land was going on on the American side seemingly as fast as men could find means for it; but it was hard times and wages for such work very low. In Canada I found wages low also and the employers more exacting. The slaughtering of timber by throwing trees into windrows was done with great skill. To get a successful fire to consume as much as possible of the *fallow*—as it was called—was also a matter of skill. Clearing land seemed more active than farming it, although I noted some

well-conducted wheat farms, managed (to my surprise) by stewards of English farmers sent over for that purpose.

Offers of "land for sale" were frequent—posted at road crossings, and telling that "His Grace the Duke of ——— had by letters patent from Her Gracious Majesty," etc., become owner of a district named. Terms of sale and price were given, and almost uniformly the statement was added that the value of the black salts and pearl ash yielded by burning the timber would go far towards paying for the land.

I found among my relations, who had come to Canada before I was born, some who might pass easily for Americans, but also some who carried an undying hatred and prejudice against the people and government of the United States. As to property rights, the owners seemed to me more English than the English at home. A girl begging for a penny stood by the gangplank of the steamer at Toronto landing—a sight I had not seen since leaving England. It was not till I read in Oregon, Henry Thoreau's remark made in 1832, "that humanity was the cheapest thing in Canada," that I found others had felt something of what made me glad to get back to the American side and to mining coal at the salt works near the Great Western Iron Works.

By this time I had opportunity to observe more closely the timber stand of these broken lands bordering the Alleghany and Red Bank rivers. There were yet rafts run out of the latter stream upon high spring freshets. My father had bargained for the purchase of twenty acres of land on the east bank of the Red Bank and on it I took my first lessons in clearing land—burning brush sometimes till midnight on Saturdays after walking home across Brady's Bend from the salt works seven miles to spend Sundays. It was a rough, broken, hilly country as Jacob Riis describes it in the "Making of an American," though I can hardly imagine it to have remained so twenty-eight years later when he got there, supposing he had reached the "West." Mining to him also proved fearfully dangerous from his own ignorance and that

of his associates. He wisely found his road to fortune, honor and fame in the slums of New York.

Though four miles of the six between Robinson's salt works south to Red Bank were wild woods, in my trips between I passed through orchards where apples and peaches strewed the ground. I witnessed with my own eyes also the wonderful phenomenon of the migration of squirrels from the west to the east side of the Alleghany River. I saw the little creatures dash into the river as I took my seat in a skiff—beat them across and saw them make shore without swerving either from man's club or dog's teeth. There was no great sign made, they did not move in numbers nor was there any noise. Where the surface of the river was smooth a good eye might see four to six little heads—but each for itself—unknown to others apparently. Their eyes expressed helpless fear. To see it was unforgettable.

When I first got employment at the Great Western, the honest Welshmen, as Mr. Riis called them, outnumbered all other classes of miners, and naturally clannish as the Celts of the Scotch Highlands are, it tended to keep others out.

Being restless to earn and save, I went to Pittsburg in the winter of 1842-3, it being generally the busiest season there. I had a bitterly disappointing winter, getting back to Red Bank penniless just as father and two friends had signed a contract to drive a tunnel through a hill in order that the Great Western Company might reach a body of especially good ore. They needed another man to work in eight-hour shifts and invited me to join, which I did. We had nearly four months of hard but pleasant work at good earnings on the company's books. When *suspension* came all we could do was to put our claims into an attorney's hands and, at some sacrifice of plans and property, get to some other mining district.

We had cleared a few acres, raised a little corn and more potatoes—and had tasted corn of our own culture in the roasting ear and the more delicious flavor of the grated corn cakes. But we resolved to sacrifice clearing, cabin and every-

thing we must to collect at least four months' provisions that we might place them in a flat boat and float west and south—to "settle on the banks of the pleasant Ohio," perhaps. In a few weeks we had done this and tied up at Pittsburg to bid farewell to friends, daughters and sisters. I went to Washington County to summons the last married of those. Found she could not come, and found a chance for work. Returned to Pittsburg and reported—to find father had been dissuaded from risking floating down the river so late in the season. I hurried back to Washington County and took the waiting job—mining coal at one cent per bushel of eighty-four pounds. It was sold on a platform arranged so that farmers could do their own loading. They paid in cash, or produce at cash prices: instance—fresh beef at two and one-half cents a pound; a barrel of good cider at one dollar, barrel returned when empty.

I teased my sister, with whom I boarded, by eating that delicious beef without salt or other addition—telling her I was training for life in the buffalo country. I hunted rabbits and shot muskrats, to "get my hand in," I said.

I crossed and recrossed the Merino sheep pastures of Hon. John H. Ewing, ex-M. C., to learn in Oregon later his relation to fine wool sheep husbandry, and that at this very date James G. Blaine, his kinsman, made his home with Ewing while a student at Washington College.

The first money I had to spare was invested in a book of adventures of frontier life—some touching Pittsburg and Brady's Bend. The title page had the following lines:

"Who be you that rashly dare,  
To trace in woods the forest child;—  
To hunt the panther to his lair,  
The Indian in his native wild?"

They thrilled me, and I read of Braddock, Washington, Wayne, Boone, Brady, Kenton, Wetzel, Bede, Crockett and Putnam; little dreaming I would chase the wild wolf to his den—dig to him and shoot him in it; climb a fir tree and find a lynx in it, and shoot him; trace a panther to his lair on a

few inches of fresh-fallen snow as he had passed around a doorless cabin without waking me. I left him, but a few months later the dog of a friend hunting there rushed into the cave after the panther and passed him—then stopped howling in fear. Others closed in, when the owner of the dog went in with lighted torch in one hand and a Colt's in the other and shot him between the eyes. Acquaintance with animal life greatly lessens the danger of their killing.

In addition to this book on frontier life I bought and read a small volume of selections from Plutarch's Lives—grand reading for a youth.

Having met the season's supply of coal, I went to Pittsburg and found my father and others idle by reason of the failure of a freshet to float the coal to market in the November previous; so there was a glut of coal on hand, and of course hard times for both masters and men. Pittsburg had become an objective point for English miners immigrating, which tended to a glut of men.

I had \$33 to travel on, with a supply of clothing. At a public meeting to consider the situation I advised those who could, to seek other districts, or other occupation, and did so myself, as told years ago.

The foregoing is an outline of labor life in Pennsylvania mines. The story of the journey from Pittsburg to Astoria I need not repeat and will even be brief in my story of life on the land, as much of that is known in pioneer publications and the history of the agricultural development of Oregon.

(To be continued.)

## COLUMBIA RIVER IMPROVEMENT AND THE PACIFIC NORTHWEST.\*

By FREDERIC G. YOUNG.

A system of transportation, adjusted to the needs of the Pacific Northwest, can hardly be a counterpart of those developed for the older sections of the country on the opposite and less-folded side of the continent. The specific conclusions with regard to the supplementary functions and to other relations of the rail and the water routes found true throughout the East will probably need modification before being applied here. At any rate, the conditions in the Pacific Northwest that have to be taken into account for determining the features of the most economical and efficient system of transportation for this region are so striking and unique as to warrant a brief reference to them.

The highways over which the productions of the Pacific Northwest must be carried to reach the consumer lie on the Pacific in one direction, and stretch across the backbone of the continent in another. These opposite destinations for fairly equal proportions of its grain, lumber, fish, livestock, wool and fruit affect the features of the transportation system adapted to its needs and differentiate this system from that of the Middle West, whose products almost exclusively find their market in the direction of the Atlantic seaboard.

Again, the striking contrasts between the lay of the land in the Columbia basin and that of the basin of the Mississippi must, in the nature of things, exhibit themselves in contrasting systems of transportation when these have become fully adapted to their respective conditions. On the

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imperceptibly sloping, almost unbroken and but gently undulating plains of the Mississippi and the Missouri the problem of providing economic means for carrying the commodities of commerce is quite different from that presented by a region largely composed of table lands, here and there furrowed by deep valleys with precipitous slopes, and bordered by high ranges of mountains stretched directly across the path of the routes leading out to the markets of the world.

The lines of least desistance for traffic are more pronounced in the Columbia basin than in any portion of the East. The uniform meshes of the railway network of the Mississippi Valley will hardly be realized here and for other reasons than a lack of uniform productivity throughout all portions of this basin. The longer way around will, in this region, more frequently be found the more economic route to the market. Until release is found from the pull of gravity so that the lifts and drops in passing over intervening ridges do not involve heavy costs, the main lines of railway here will thread the main valleys. This means that even in the matter of distance the water routes for heavy traffic will be at but slight disadvantage here as compared with the rail; add to this the fact that the Columbia "seeks the ocean on a line parallel with the trade channels and not at right angles to them," as is the case with the Mississippi in relation to the major portion of the volume of trade of its valley; and the further facts that have repeated endorsement of the engineers of the national government, that the banks of the Columbia "are more stable, its waters more clear, its ice blockades are much less in duration than on the great waterway in the East," and we have something of a basis for the presumption that transportation on inland waterways in the Pacific Northwest is destined permanently to assume a comparatively larger importance than in any other section of the country, and that the improvement of these waterways so as to realize their largest utility is a matter of more vital interest to its people than

to those of any other section. In all this we have grounds for a tentative hypothesis at least that the ensemble of conditions in the Pacific Northwest is unusually favorable for reliance upon waterways as routes for heavier traffic and unusually obstructive to the development of a network of air line rail routes with easy gradients.

Before developing this hypothesis, through reference to the experience of the Pacific Northwest, while securing so much of a system as it has, attention should be called to one other aspect of the situation here. The Pacific Northwest is conspicuously a gateway for the commerce between the main body of the American people in the eastern portions of the country and the Orient. Three factors conspire to bring this about. It is on the line of the great-circle route to the East, it has the only sea-level passageway through the Cascade-Sierra barrier on the western edge of the continent, and it possesses the matchless harbors of Puget Sound. The transcontinental lines penetrating to this region were located, built, and have ever since been operated with their gateway interests dominant. Even today the greater construction activities and expenditures for the Hill and the Harriman roads—a Hill road paralleling the Harriman line down the Columbia to Portland, and a Harriman road paralleling the Hill line from Portland to Seattle—show that the interests of the producer of this region are neglected and even sacrificed in the rivalry for the gateway traffic. The local producer has received some consideration at times from these transcontinental railway magnates. A meager provision of “feeders” exists. Some have built more than others, but with all and always competition in the transcontinental service has been the main concern.

As a matter of fact no independent lines for the service of the producer of the Pacific Northwest exist. While the Oregon Railway and Navigation lines, and, in a less degree, the Oregon and California line, were originally planned for local service they soon, through lease and purchase, became

mere links in transcontinental systems. There is thus in a large sense no system of rail transportation for the Pacific Northwest. As it is, the people of this section get the crumbs of service and have laid on their shoulders through high charges the great burden of the support of the systems as carriers of transcontinental traffic.

This situation would make the plight of the producer of the Pacific Northwest extreme were it not for his advantages in the wonderful natural resources at his command. Suppose the haul across the Rockies is a natural one for part of even his bulky grain and lumber. Yet the carrying capacity of these roads is so helplessly overtaxed that they are under the necessity of rejecting consignments, indirectly by exorbitant charges and directly by refusing to furnish cars, as is witnessed at the present time in the embargo on the lumber export business to the Middle West. Increased equipment and double-tracking are out of the question under existing financial conditions. Should the managing agencies of these railway systems redeem themselves in the eyes of the people and win confidence so that with funds at their command they could bring the carrying powers of their roads up to the demands made upon them, yet the producer of this region would still be at the mercy of those who have pretty consistently ignored him except as he might obtain relief through the mediation of the Interstate Commerce Commission or, more effectively, through independent means for getting his productions down to the sea.

The release of the producing energies of this region from the vise-like grip in which they are held by the systems of rail transportation as at present developed would be fully achieved if a system of inland waterways for traffic needs could be made available. On these the annual output of products could, free from the taxing power of monopolies, be floated down to the ocean shipping ports. The rates of carriage on such waterways would regulate not only the charges on the rail routes parallel to them, but also the

rates on the transcontinental carriage to the East. There is no question as to the need of them here. In no other section are present transportation facilities so inadequate to existing demands. Car famines recur regularly and in most aggravated forms. No other section is taxed so heavily for what service it gets. Nowhere else is potential development being retarded to the same degree.

The problem of progress for this section narrows down to about this: Is it feasible to utilize fully through improvement the Columbia and its tributary waterways to relieve this congestion of traffic and so cheapen transportation costs as to stimulate vastly the development of this section? Before turning to an examination of the availability of the Columbian waterways, just one observation on the results of further delay in undertaking a scientific adjustment of these transportation facilities seems advisable. The present condition of perplexingly inadequate facilities, and monopoly charges prohibitive of further development, naturally raises an unreasoning clamor for duplications in hopes of lower rates through competition. This betrays a state of intelligence that is unmindful of the fact that the cost and maintenance of great railway structures, that serve only to divide traffic with a road already existing, mean fastening upon its supporters a load almost the double of what would have been necessary had the service of the existing line been co-ordinated with that of an available waterway. Fortunately, however, the measure of undeveloped resources here protects this region, too, from such permanent incubuses much as eastern sections through their development escaped evils of excessive duplications. Surely a clearer conception on the part of the people at large of what is involved in a scientifically adjusted transportation system would have forestalled the possibility of such a transaction as Mr. Harriman's in diverting thirteen millions from the surplus accumulated through extortionate charges upon the producers in the Oregon Railway and Navigation territory, towards the securing of terminals in Tacoma and

Seattle for his line paralleling the road from Portland to Seattle. And certain it is that the people of the Pacific Northwest if they fail to make a careful inquiry into the problem of supplying themselves with an adequate and an economic system of transportation will burden themselves and their posterity with ill-adapted railway duplications and will continue to serve as pawns for the railway magnates in their game for the prizes of transcontinental traffic.

In the general survey of the situation in the Pacific Northwest it was noticed that the lay of the land and the characteristics of the waterways of this region indicated large utilization of them for purposes of commerce. The safest and probably the quickest way to determine what part and how large a part these waterways are adapted to have in a fully adjusted system of transportation for this region is to trace the development of man's experience in using them and the growth of his plans and achievements in improving them. Barring a few formidable obstructions, the major portion of which have already been obviated and all of which are at a reasonable expense susceptible of being permanently obviated, the Columbia River throughout its course approximates more nearly the character of a ship canal than probably any other river in the world. The Canadian Pacific has run boats on regular schedules on its uppermost stretch, penetrating even to its source, some sixteen hundred miles from its mouth. Much as Hendry Hudson on his voyage of discovery sailed up the river that took his name to where Albany now stands, so Lieutenant Broughton, of Vancouver's expedition, profiting through introduction of Captain Gray, pushed the limits of discovery with his vessel to a point near the Cascade Mountains, one hundred miles up stream.

Though the initial cost of obtaining an "open river" throughout the main stream and the important tributaries will be considerable, the permanency of such improvements and the smallness of the sums necessary for maintenance more than compensate. Such is the general firmness of its

banks (not a little of its course is run between walls of basalt), such is the comparative freedom from the silt that causes erosion and shifting bars, and so short are the periods when it is locked by ice, that its adaptability as a waterway for purposes of commerce may be rated very high.

It was the judgment of John Jacob Astor, or his representative, in establishing Fort Astor, in 1811, near the mouth of the Columbia, that the emporium should be there for commerce with the Orient. A little more than a decade later that judgment was dissented from by the sagacious McLoughlin of the Hudson Bay Company. He moved the entrepot of trade a hundred miles up the river. His idea, in so far as it affects the use of this lower stretch as an arm of the sea, seems destined to stand. It has not merely the sanction implied in the building up of a city of 200,000 people at the head of navigation on the lower Willamette, twelve miles up from its junction with the Columbia, but also a hearty seconding in the plans and projects of the engineering service directing river and harbor improvements. The consideration that weighed with Dr. McLoughlin in establishing Fort Vancouver near the region whence was obtained his company's wealth of commerce holds good today. The ocean liner is brought for its cargo as near as possible to the heart of a large and rich producing country. The improvement, therefore, of the Willamette and Columbia below Portland is virtually of the nature of harbor improvement while that contemplated for the river above and its tributaries is that of inland waterway improvement.

That the waterways of the Columbia basin had eminent natural fitness as avenues of commerce and travel is conclusively proven in the flourishing economic development of this region in the pre-railway era. Up to about 1880, the Columbia River with its tributaries, constituted the only trunk lines of inland commerce and travel in the Pacific Northwest. The facilities of transportation afforded by these waterways had sufficed for the upbuilding of a very

prosperous community. Some three hundred thousand people lived in the valley of the Willamette and along the lower and upper Columbia. Evidences of a high degree of comfort, of large accumulations and of the great volume of commercial activity elicited remarks of astonishment from visitors to this isolated region that was then still practically without railroads. It is safe to say that no other river system since the era of general railway development served so fully the needs of transportation facilities as did this one of the Pacific Northwest.

But the inland waterways of the Pacific Northwest were like those of the other sections of the country destined to be relegated to a position secondary to that of the railways. Only the one-hundred-and-ten-mile stretch from Portland to the sea suffered no eclipse through being paralleled by a railroad. This section of river channel is, however, in its relation to navigation, to be regarded as an arm of the sea, or harbor passageway, rather than as an inland waterway. The general supersession of the waterway for the railway might seem to be significant of the greater all-around utility of the railway in this section, for it appeared to displace the well-established steamboat completely on certain routes and, for aught that appears on the surface, finally. But it is to be noted that the introduction of the railway into this section was not primarily to furnish facilities of a higher order than those of the existing waterways. They were built here not so much to supersede the unsatisfactory steamboat as they were to earn munificent grants of public domain and to supply the final links in the transcontinental lines giving connection with the East. For passenger and higher class freight service the railroad, here as elsewhere, had, of course, the advantage from the start. The railways along the Willamette and the Columbia won out so decisively, however, from quite extraneous reasons. The falls and formidable rapids in these rivers that made necessary short side canals or portage railways furnish the secret of this easy conquest on the part of the railways. These portage

improvements were owned either by private corporations or by the railroads themselves. At the falls of the Willamette, fifteen miles above Portland, a private canal company with its tolls taxed the river traffic nearly out of existence. On the Columbia the owners of the portage railways were also the owners of the railroad paralleling the river. Naturally it was their interest and, from their position of vantage, within their power to block completely the movement of traffic on the river.

Water transportation was not, however, to lapse into a mere tradition in the Columbia basin because of the untoward influence of private monopoly at these portage gateways. Considerable areas of rich and rapidly developing country on the north bank of the Columbia had as yet no railway and kept several lines of boats busy. Another section of country far up the Snake, but magnificently endowed with resources, was not for a long time reached by a railway. It, too, had to rely on a navigable section of that largest tributary of the Columbia for connection with the outside world. The mere idea, too, of a great Columbian waterway had been ardently cherished for more than a century and had too firm a hold in the national consciousness to be completely stifled by the repression of private monopoly. As the dream of Thomas Jefferson it had been back of the leading motive impelling him to urge time and again transcontinental exploration. In his instructions to Meriwether Lewis, when the Lewis and Clark expedition was about to set out, he says: "The object of your mission is to explore the Missouri River, and such principal streams of it, as by its course and communication with the waters of the Pacific Ocean, may offer the most direct and practicable water communication across this continent, for purposes of commerce." The same idea of the larger use of the Columbia as one of the two connecting channels of a transcontinental waterway had been an important feature of the imperial project of John Jacob Astor. And the Hudson Bay Company had actually used it for a generation as



its main highway in conducting its widely extended operations in this section. It had, as we have seen, been the sole reliance in their need of transportation facilities of the widely scattered but exceedingly thriving Oregon communities down to about 1880. And though the railways, fortified as they were with monopoly privileges at the portages along the Columbia, and reinforced through the policy of the private canal company at Oregon City, won out against the upper river traffic; on the lower Columbia the ocean export trade was steadily growing with the general community growth induced by the recently completed railway connections with the East.

But whether the commerce on the different sections of the river waxed or waned, certain influences were promoting the inception of projects of improvement. The pressure of the people in this direction and the activities of their representatives in Congress may always be taken for granted. It is rather the progress of their interests with the engineers of the United States army and the standing the movement was thus getting in administrative circles to which I refer. At the mouth of the Columbia the charts of Admiral Vancouver, of 1792, that of Sir Edward Belcher, of 1839, that of Captain Wilkes, of 1841, the United Coast Survey chart of 1851, and those from periodical surveys thereafter accumulated data from which the problem of widening and deepening the channel across the bar could be solved. The tonnage crossing the bar was increasing year by year. In 1882 the engineers were ready with the details of a project for permanently improving this feature of the river. The value and availability of the waterway from Portland down could never be questioned. Its improvement to navigation by deep-water craft was of utmost importance to the entire Northwest. Not until 1884 was any considerable portion of the produce of this section diverted by the railroads to Puget Sound. The original project for improvement was adopted in 1877.

On the upper river the engineers were making extensive preliminary examinations and reconnaissance surveys while it was still the sole channel of transportation for that rapidly developing "Inland Empire." The exceedingly favorable reports of Major Michler, of 1874, of Major Powell, in 1879, and of Lieutenant Symons, in 1881, gave the demand for an "open river" standing in the inner administration circles. This part of the river was already receiving small appropriations for the removal of minor obstructions in the early '70s. On October 12, 1877, the Secretary of War approved the original plan for canal and locks around the rapids in the Columbia, where it passes through the Cascade Mountain range. In thus tackling one of the two formidable obstructions to navigation the national government may be said to have committed itself to the securing of a channel available to navigation throughout this system of inland waterways.

The task with which the national government was confronted in having undertaken to secure to the people of the Pacific Northwest the advantage of inland waterways is probably best indicated by pointing out the obstructions that are, or were, encountered in passing from its mouth to its source. From the ocean up to the mouth of the Willamette, about ninety-eight miles, where the original depth was from ten to fifteen feet, ocean vessels now pass drawing twenty-five feet of water. The improvement was effected mainly through dredging. From the mouth of the Willamette to the "Cascades," about forty-three miles farther up the river, it is open, and in its natural state has an available depth of eight feet. At the "Cascades" for four and one-half miles it is so contracted in width in passing through mountains that it partakes of the nature of a gorge. In the upper first half mile of this there is a fall of twenty-four feet. Throughout the lower four miles of the gorge the slope is not so steep, but the channel is much obstructed with boulders and reefs. This first great obstruction could be obviated only by a canal and locks. Such works were so far

completed as to be opened to navigation in 1896. Proceeding up the river, for forty-five miles, it was again open with a depth of some eight feet. But here most formidable obstructions are encountered—The Dalles and Celilo Falls. In the course of nine miles the river passes over falls and rapids and through contracted channels that completely block navigation. The fall in this distance is eighty-one feet. For some years these obstructions seemed to puzzle the engineers with their magnitude and to appal Congress through the size of the estimated cost of improvement to open navigation around them. Work has barely begun on an approved project for a canal and locks. Proceeding on beyond Celilo Falls we have again a stretch of open river of some 198 miles, with an available depth of four or five feet. The Snake, the largest tributary, which enters the Columbia 110 miles above Celilo Falls, has 146 miles of navigable channel similar in character to that of the main stream. Were we to proceed along that tremendous stretch of river until we came to the international boundary only two more considerable obstructions would be encountered—Priest Rapids and Kettle Falls. These will require canals and locks. Not only are improvements in progress on the two main tributaries above the mouth of the Snake, the Spokane and the Pend d'Oreille, but the engineers have reported favorably for the removal of the obstructions in about all, if not quite all, of the stretches intervening between those more formidable rapids that will require canals and locks.

Turning back now to the Willamette to note its problems, a complete break in navigation—when the river was in its natural state—was encountered at the falls fifteen miles above Portland. A private corporation, subsidized by the State of Oregon, constructed a canal around these.

Confronted by problems of the character indicated above the national government has made and, on the recommendations of its engineers, proposes to make improvements at different points of the following nature: With the object

of concentrating the river to a moderate width at its mouth and to discharge it as a unit to the sea, thus securing a strong scouring effect with the tidal outflow, the original project, adopted in 1884, provided for a single jetty on the south side of the entrance about four and one-half miles long. This work caused an increase in depth over the bar from twenty to thirty-one feet from 1885 to 1895. But as this desired increase was not permanent, in 1903 a project contemplating an extension of three miles, to the jetty previously constructed, was adopted. A continuing appropriation for the completion of this work has been made. The depth desired is forty feet. The work from the beginning of the original project to the completion of the present extension will cost about \$4,500,000. The two projects were based on the same conception of the nature of the problem and the earlier work is fully utilized in the more extended later project.

The project under which the improvement of the Columbia and lower Willamette is proceeding was adopted in 1902. It proposes a twenty-five foot channel to the sea by the construction of controlling works and dredging. The estimated cost was about \$2,800,000. The port of Portland, using funds obtained from taxation in Portland, has co-operated to the extent of providing about \$1,700,000. Up to June 30, 1904, the national government had applied about \$1,500,000 on this portion of the river. Turning to the main lower branch of the Columbia, the Willamette, the situation calls either for the purchase of the existing canal and locks at the falls from a private corporation or the construction of a new system of locks and canal. The board of engineers that investigated this matter in 1899 recommended an expenditure of \$456,000 either for the acquiring of the present canal and locks, or the building of new ones. The corporation owning the existing improvements declines to sell at the valuation placed upon them by the board of engineers, though the board arrived at its figures through capitalization of the net earnings from the canal at fair

rate of interest as well as by estimates based on cost of reconstruction. Though these locks were built thirty-five years ago (the state furnishing \$200,000, about two-thirds of the cost of construction), the legislature of Oregon, in 1907, appropriated \$300,000 "contingent upon the United States appropriating the sum of \$300,000, or a sum sufficient to acquire by purchase, condemnation, or construction," a canal around the falls at this place. In the Willamette, above these falls, the problem of improvement is quite similar to that, say, of the Illinois River. The Willamette drains the bed of a former arm of the ocean and has not the firm banks of the upper Columbia and its tributaries. These represent channels worn in a sheet of lava that was universally spread over that region. Something like half a million has been used on the upper Willamette and its tributaries, mainly in dredging and snagging, in other words, in maintenance.

At the cascades the project that was adopted in 1877 was not completed in modified form, so as to be open to navigation, until 1896. It has cost some \$4,000,000, and provides for the passage of boats of a maximum draft of seven feet. But to open the river at the cascades without opening it at The Dalles-Celilo obstructions, forty-five miles above, answers comparatively little purpose. The "Inland Empire" lies on beyond Celilo Falls. The problem presented by these latter obstructions seems to have quite appalled the earlier engineers. Several projects in turn have been recommended for overcoming these obstructions. The first contemplated a canal and locks and some straightening of the river at an estimated cost of over \$10,000,000. A plan for a boat railway was next adopted and appropriations were even made for entering upon the construction of it. It was expected to cost \$3,000,000. The river men objected and the engineers do not seem to have been quite sure of its practicability. The project that now stands contemplates a continuous canal sixty-five feet wide at the bottom and eight feet deep. The canal is to have four locks

and is estimated to cost something over \$4,000,000. As the Secretary of War conditioned the beginning of work upon it upon the United States securing the right-of-way free of cost, the State of Oregon purchased the right-of-way at a cost of \$70,000 and conveyed it to the United States. In order to obtain some relief for the producers in the region above this point from the exorbitant freight charges of the railways, the State of Oregon had also, in 1906, at a cost of \$165,000, built a portage railroad around the obstructions.

The improvements in the main river and its tributaries above Celilo Falls consist mainly in blasting obstructing rock and boulders, raking gravel bars and building concentrating dikes. These had, up to June, 1904, cost some \$300,000. There are more recent recommendations for additional improvements to the amount of \$400,000 more. The wisdom of having as much as possible of the upper river and its tributaries in good navigable condition at the time of the completion of The Dalles-Celilo project is evident.

The effect to be anticipated from an "open river" on freight charges may be illustrated in several ways. The present rate on wheat from Lewiston-Clarkson, Idaho (a little below the head of navigation on the Snake), to Portland is \$5.20 per ton. A most reliable river captain holds that this rate would be reduced to a figure between \$1.60 and \$2.10 per ton. As the rates on heavier commodities along the Mississippi, per ton mile, are about one-tenth of the present rail rates along the Snake and Columbia waterways, such an estimate seems reasonable. For a distance of eighty-eight miles, from Portland to The Dalles, the rate on salt is \$1.50 per ton on car-load lots, and \$3.00 on less than car-load lots. The corresponding figures for a distance 100 miles farther, to Umatilla, where no river competition exists, are, respectively, \$7.50 and \$12.00 per ton, or four times the water rates.

The area drained by the Columbia and its tributaries comprises some 250,000 square miles. While there is more waste area in this than in an equal area of the Mississippi basin, it

must be taken into consideration that some of this and in widely separated sections is selling at \$1,200 an acre. The additional value that will be given to this vast area by an "open river" will make the cost of the improvements of the Columbia seem very small. That improvement will call into active operation many industries that wait only for the presence of reasonable transportation facilities to spring into life. The extension of irrigation enterprises will only equalize the flow of the streams in a salutary way for the interests of navigation. With the waterways of the Columbia basin open, as the expenditure of a reasonable sum will suffice to improve them, the Pacific Northwest will probably equal in wealth any other most favored section of like area in the country.

With the projected improvements completed, and a few more minor ones on the upper Columbia, the Pacific Northwest would have transportation facilities comparable with those that will be possessed by the Trunk line territory when New York's project for making a ship-channel of the Erie Canal is completed. What the Pacific Northwest system would lack in the size of cargo it could float it would make up in being a more direct route and in being available during more months of the year.

## NOTES AND NEWS.

The address before the ninth annual meeting of the members of the Society, held on December 21, 1907, was given by Professor H. Morse Stephens of the University of California. Professor Stephens has charge of the Hubert Howe Bancroft collection of Pacific Coast history material. It will be remembered that the Bancroft Library was acquired by purchase by the University of California. The address was devoted to giving an account of the wide range and the richness of the collection and of the methods being used in the organization and calendaring of the manuscripts it contains.

An Academy of Pacific Coast History has been organized to secure support for the publication of the most valuable of its documents and to supervise the editing of them. Professor Stephens' statement of his aims to make available to historical students the rare sources of history contained in the collection elicited great interest among the members of the Society, as much prime Oregon material was taken out of the State by Mr. Bancroft. The Society responded heartily to Professor Stephens' request for co-operation. Professor Joseph Schafer of the University of Oregon was named by the Society as the Oregon representative on the board of editors to direct the publication of the documents.

The archives both of the State and of the National governments are beginning to receive the attention that their value as historical sources warrants. The whole of volume two of the Annual Report of the American Historical Association for 1906 is devoted to the report of the Public Archives Commission. It presents a summary of the present state of legislation of States and Territories relative to the custody and supervision of public records; inventories and bibliographies of the public archives of many of the States are also given. The main activities of the Department of Historical Research



of the Carnegie Institution at Washington are directed to the preparation of guides to the materials for American history in European archives and in those of Cuba and Mexico. Dr. Jameson, the director of this work, suggests that now, with an inventory completed of the archives of the government of the United States, a scientific plan should be formed for the publication by the National Government of its volumes of documentary historical material.

Professor Schafer has been at work all winter in the different depositaries in London containing documents throwing light on the Oregon Question. He has been accorded the largest courtesies and will no doubt be able to clear up much of the mystery that has enveloped many of the stages of the progress of negotiations pertaining to the disposition of Oregon Country.

Professor Benjamin F. Shambaugh's "Second Report on the Public Archives of Iowa" furnishes a fine model for other States as to the care, classification and calendaring of the archives. Iowa is supporting a wise and intelligent work on her public documents which will conserve them for the largest future use as the materials of history. In them she will have a basis for an enlightened development of her institutions.

The Board of Directors of the Oregon Historical Society at its March meeting resolved upon the commemoration of the fiftieth anniversary of the admission of Oregon as a State. The program for the occasion will be planned so as to be of especial service to the people of Oregon in their wrestling with constitutional problems.

At the same meeting the first number of the series of history leaflets for the public schools was adopted and succeeding numbers projected. The first leaflet will give "a glimpse into prehistoric Oregon" and is prepared by Mrs. Ellen Condon McCornack, the oldest child of Oregon's geologist, Professor Thomas Condon.

In the death of Edward Gaylord Bourne at New Haven on February 24, America lost one of her most brilliant and scholarly historians. Born in 1860, he was graduated from Yale in 1883, and received its degree of Doctor of Philosophy in 1892. He was an instructor in that institution from 1886 to 1888. Going to Adelbert College, Western Reserve University, he was promoted to a professorship in 1890 and in 1895 was called to Yale as professor of history. He had most liberal and accurate scholarship but his genius expressed itself in his rare power and keenness in historical criticism. The editor of the *American Historical Review* says of him that "it is not too much to say that he was the chief master in America of that specific portion of the historian's art and in this specialty the profession has suffered in his death an irreparable loss."

We have from his pen many most valuable contributions to the pages of the *American Historical Review*. In 1885 he published a *History of the Surplus Revenue of 1837*, in 1901 a volume of *Essays in Historical Criticism*, in 1904 a valuable volume on *Spain in America*, and more recently edited largely or wholly *The Philippine Islands*, *Voyages of Champlain* and the volume on Columbus of the *Original Narratives of Early American History*.

It was in his teaching of historical criticism that he had occasion to look into the account, then credited, of the acquisition of Oregon. His historical acumen soon detected fictitious elements and he pursued his investigations, the results of which were embodied in "The Whitman Legend," the leading paper of his volume on historical criticism.

Many will remember his delightful paper read at the Congress of History held in connection with the Lewis and Clark Exposition. All who met him felt the charm of a most genial and kindly personality.

It is always most gratifying to all Oregonians to have an Oregon achievement celebrated through the nation at large. Frederick V. Holman's monograph on Dr. John McLoughlin

has received many very favorable reviews from papers, magazines, and periodicals in different parts of the United States. Many of these reviews are quite long. It would take up too much space to go into details of the different favorable reviews. Excerpts follow from some of these reviews:

The review in the Washington Historical Quarterly was by William A. Morris. He said:

"In writing this work the author has produced what has long been needed, namely, a narrative of the life of the benefactor and great overtowering figure of the Pacific Northwest. \* \* \* The despotic power which he [McLoughlin] exercised within this whole region forms an interesting part of the work which the author has ably treated. \* \* \* As proofs of Mr. Holman's thesis that the rule of McLoughlin was 'beneficent' despotism, his suppression of the liquor traffic among whites as well as Indians, and his stern reproof of the redmen when they uttered threats against those whose prosperity meant his ruin, are convincing. \* \* \* It constitutes a valuable historical biography."

The Catholic University Bulletin is published at Washington, D. C. It is the official magazine of the Catholic University. A very long review of this book is given by Rev. Edwin V. O'Hara. He said:

"This excellent monograph is the only complete and critical study of the life of McLoughlin which has appeared. It is supplemented by a number of documents of great historical interest, some of which have not been published before. Those interested in knowing more of McLoughlin, of the details of his career in Oregon, and of the unfair treatment of him, should read this monograph."

The San Francisco Argonaut:

"The personal as well as the severely historic elements of Doctor McLoughlin's story are completely developed in a narrative of absorbing interest to all who have given any attention to the beginnings of organized life in our Pacific Northwest, and the book is well worth reading by all to whom picturesque and heroic periods of history make appeal. It should have a place in every collection which assumes to gather together the essential historical records of the Pacific Coast States."

Boston Transcript:

"The whole [monograph] forms an admirable interpretation of the life and character of one of the most interesting of the worthy men who have been connected with the settlement of the far Western States. \* \* \* This book is a monument to a man worthy of all the praise he here received."

Chicago Tribune:

"Frederick V. Holman, a grandson of one of the pioneers, has told the story of Dr. McLoughlin's life remarkably well. The book will remain as one of the authentic historical documents in the history of the Pacific Coast."

Seattle Post Intelligencer:

"Anything that sheds light on the life of Dr. John McLoughlin, the great factor of the Hudson's Bay Company, whom Frederick V. Holman justly calls 'the Father of Oregon,' is welcome to the people of the Pacific Northwest. \* \* \* The author of this latest work on Dr. McLoughlin, has presented in very readable form the salient points in the life of this grand old man, and has gathered together much new material, which appears for the first time in the present volume."

New York Sun:

"His [Holman's] subdivisions show admirable method in his research and under each he finds some answer for each inquiry."

Walla Walla Evening Bulletin:

"One of the latest as well as most valuable additions to the shelves of the Walla Walla Public Library is the recently published book entitled 'Dr. John McLoughlin,' by Frederick V. Holman of Portland, Oregon. \* \* \* He has not permitted himself to be unduly biased by personal adulation or to enter the field of mere romance. \* \* \* The book is more than a biography of one man; it is a most carefully prepared and verified contribution to the history of Oregon (then the whole Oregon Country) during the years of joint convention or occupancy. As such it is of permanent value to the student as well as of genuine interest to the more casual reader. \* \* \* The younger generation will now have better opportunity to know why this memory [McLoughlin's] is held so generously."

U O F B

The Literary Digest gives a long review mostly made up of a biography of Dr. McLoughlin. Mr. Holman's portrait is printed with those of other authors on the same page. The Literary Digest speaks of Mr. Holman's monograph as "This tribute to the memory of one of the chief upbuilders of the Northwest."

The Portland papers are especially complimentary of Mr. Holman's monograph. The Oregonian said:

"Almost reverently we ought to take up this modest, accurate and well-written biography of 'The Father of Oregon.' \* \* \* On the whole, a kindly and appreciative estimate of Dr. McLoughlin is given and much tact is used in treating of certain matters in the chieftain's life over which dispute still lingers. \* \* \* Mr. Holman has not wasted his time speculating on what Dr. McLoughlin should have done when facing specified problems in his career, but has written facts as he found them. \* \* \* Mr. Holman's biography—to sum up—is an important and scholarly contribution to American literature. It will enable young Americans—the fathers and mothers of the great tomorrow—to form a safe and agreeable opinion of a great Oregon patriot and statesman. The book should especially be in every Oregon household."

Portland Sunday Journal:

"In his biography of Dr. John McLoughlin, Frederick V. Holman has given to letters a distinct contribution—a tribute long delayed and now adequately presented of this great, good man. \* \* \* But the bitter story of how this land claim at Oregon City was taken from him, how the savings of an honorable lifetime were depreciated, how in darkness, suspicion and defeat his unselfish life closed and the white spirit of the Great White Chief went out to find vindication—this also is told, graphically, unhesitatingly and with keen sympathy."

And referring to the illustrative documents in the monograph, the Journal said:

"A large part of Mr. Holman's valuable work consists of these documents touching every phase of the question and carrying their own conviction. These have never been set before the public in their entirety and in this accomplishment Mr. Holman has performed a valuable and memorable work."

\* \* \* It was fitting that an Oregon man should write the history of this great unselfish life, spent in whole-hearted devotion to Oregon's good; and we who read the result of the labor, may congratulate posterity that the task was undertaken by such an able hand and that it has been brought forth in so dignified and beautiful a setting."

Portland Evening Telegram:

"In writing this book he [Holman] has rendered a service to loyal Americans everywhere, and they will be interested to know something of him and the motives that inspired this work. \* \* \* The new, the true patriotism teaches us that to conceal wrongdoings because the evil doers are citizens of our own country, is more treason than patriotism. \* \* \* Mr. Holman has written his work with this purer and higher patriotism in view. \* \* \* Mr. Holman has written this life of Dr. McLoughlin in a way to hold the interest of the reader as many a work of fiction never can. Although he has carefully refrained from resorting to tricks of clever writing to win sympathy for his cause, the very simplicity of the story, his close adherence to well-substantiated facts, and his purely non-partisan and non-sectarian attitude give the work a very decided historical and literary value. \* \* \* Mr. Holman's charming history gives one a fine idea of the surroundings Dr. McLoughlin, as chief factor of the Hudson's Bay Company, made for himself, his family and dependents."

Chamber of Commerce Bulletin:

"The author is well known to our readers. He has in this exquisite volume narrated the simple story of the 'Father of Oregon's' life, and his career in the early history of Oregon. Mr. Holman asserts, and rightly, so that Dr. McLoughlin is known in Oregon by tradition as well as by history; that his deeds are a part of Oregon's folk-lore, and that his life is an essential part of the heroic days of Oregon's history. Every Oregonian should have this volume in his library, as it is incomplete without it. In fact, every one in the Pacific Northwest should read this book, which is of especial interest to all the inhabitants of this section."









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# THE OREGON HISTORICAL SOCIETY

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"DOCTOR" ROBERT NEWELL: PIONEER.\*

By T. C. ELLIOTT.

In the month of November, 1869, at Lewiston, Idaho, occurred the death and burial of Robert Newell, familiarly known as Doc. or Doctor Newell, a very early pioneer in the Oregon Country and a man of more than usual force, character and influence, and whose name is associated with some of the events that took place in the Walla Walla Valley during its early history. His warm friend and brother Mason, Alvin B. Roberts, then living in Walla, thought to permanently connect that name with our local history by attaching it to one of the principal residence streets, when laying out and platting Robert's Addition to the City of Walla Walla, January 20, 1871. But by ordinance dated March 21, 1899, signed by Jacob Betz, mayor, the City Fathers ordained that "that certain street in the City of Walla Walla named and called 'Dr. Newell Street,' shall hereafter be named and called 'Newell Street,' and be so designated on all official maps, plats and other documents and instruments of said City." As there were other men by the name of Newell residing in Walla Walla during the sixties, it has to the writer seemed well to gather together and record some of the facts and incidents of the life and career of "Doctor Newell." And we may find in the recital much genuine proof of that

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\*Read before the Walla Walla Men's Club on April 20, 1908.

unusual vigor of mind and body possessed by so many of the Oregon pioneers.

First it is well to explain why he was called Doctor Newell. In the year 1868, he visited the city of Washington in company with Utsemilicum, Lawyer, Timothy and Jason, chiefs of the Nez Perces, who had business there relating to treaties for their lands. It is related [by Mr. Roberts] that while there he was introduced publicly as a leading physician from this section of the country, but that he at once, in a genial manner common to himself, explained that medicine was not his profession, but that during some early experiences as a mountain trapper he had been called upon by necessity to undertake a simple surgical operation (Bancroft gives a similar explanation), and also had acquired a knowledge of some simple remedies through the brewing of roots and herbs and had used them with like effect upon dogs, horses, Indians and his fellow trappers, and consequently had been nicknamed Doctor. In those days the degree of doctor was very easily conferred and without the ceremony now common in our institutions of learning. Even the apothecaries were often dubbed doctors; and who would now deny them the honor!

Of the early years of Doctor Newell but little information has been available. Mr. Elwood Evans was a careful gatherer of facts and in his manuscript *History of Oregon* (Bancroft Collection) states that Newell was born on March 30, 1807, at Putnam, Ohio, and that on the 17th of March, 1829, he left St. Louis for the Rocky Mountains in company with the Smith-Jackson-Sublette party of trappers, successors of Gen. Wm. Ashley. In Bancroft's *History* the statement appears that he came to St. Louis from Cincinnati as an apprentice learning the trade of a saddler and that his father had died when he was young. We have a right to assume that he came of good stock or was blessed with good home training and had some advantage of the schools then available; else we cannot account for the qualities of restraint and control and the natural leadership which made him so useful in the formation of the Provisional Government of Oregon and in other executive

affairs. He must have been "by instinct, inheritance, blood and tradition, a pioneer."

At the age of twenty-two, therefore, we find Newell beginning the career of an American trapper and mountain man. In the same company was the brave and impulsive and often bumptious Jos. L. Meek, then aged nineteen. Between the two was established a lifelong friendship: but Newell was the finer as well as the stronger character and always leader of the two. The influence of the trappers and mountain men has not yet been given full recognition in the history of the acquisition of Oregon, and the record of that period has perhaps been lost beyond recovery to a great degree. There are rare government documents obtainable, and unprinted reports are said to exist among the archives at Washington from which many interesting items are yet to be drawn; for the Government obtained much information about the Oregon Country from the early trappers. The life of the mountain man was one of frequent peril and hardship, and called for continual vigilance, bravery and endurance. He journeyed when and where he pleased, and often when he did not please, and winter journeys across plains and mountains were too frequent to be then thought worthy of mention. Of Dr. Newell's individual life during those eleven and one-half years, we know little. His name appears not infrequently in the memoranda obtained by Mrs. Victor and embodied in her writings, also in letters of Ebbert and Burnett. He had a good voice and his songs and stories around the campfires are a common recollection among those who knew him then and afterward; he was a great lover of books in later life and read the Bible and Shakespeare and other standard works during those years, for the trappers are known to have had these books in their camps. He did not rise to the position of partner but was a sub-trader or "bushaway" and was often in authority during the absence of the owners. He was annually at Rendezvous; in her diary, Mrs. Eells speaks of him as a guest at dinner at Green River in 1838, and Asahel Munger in 1839. He was also a free trapper for a time. In 1833

he married his first wife, the daughter of a sub-chief of the Nez Perce tribe. Joseph Meek is said to have married another daughter in the same family but to have had trouble in getting her; we are told this in "The River of the West." There is no record of similar troubles by Dr. Newell. But the competition of the Hudson's Bay Company was too much for the American trappers and there was no future to such a life, and in 1840 Newell determined to take his chances on the acquisition of Oregon by the Americans and to move down to the Willamette Valley (whither his fellow trapper Ebbert had already gone) and persuaded some of his comrades to go with him. In making this journey, he pioneered the way for wagons (horse canoes, the Indians called them) from Fort Hall across the Snake River Plains and through the Blue Mountains to the Columbia River. The story of that really important occurrence is best told in his own modest language. The following is taken from the annual address delivered at the meeting of the members of the Oregon Pioneer Association at Salem, Oregon, on June 16, 1876, by the Hon. Elwood Evans of Olympia, Washington, and printed in the "Transactions" for that year:

"Let me now refer to the statement of the late Dr. Robert Newell, Speaker of the House of Representatives of Oregon in 1846, a name familiar and held in high remembrance by ancient Oregonians. It is interesting for its history, and in the present occasion illustrates the difficulty, at that time, of getting into Oregon. It details the bringing of the first wagon to Fort Walla Walla, Oregon, in 1840, the Wallula of Washington Territory. The party consisted of Dr. Newell and family, Col. Jos. L. Meek and family, Caleb Wilkins of Tualatin Plains, and Frederick (should be Francis) Ermatinger, a chief factor of the Hudson's Bay Company. It had been regarded as the height of folly to attempt to bring wagons west of Fort Hall. The Doctor suggested the experiment. Wilkins approved it and Ermatinger yielded. The Revs. Harvey Clark, A. B. Smith, and P. B. Littlejohn, missionaries, had accompanied the American Fur Company's expedition as far as Green River, where they employed Dr. Newell to pilot them to Fort Hall. On arriving there they

found their animals so reduced, that they concluded to abandon their two wagons, and Dr. Newell accepted them for his services as guide. In a letter from the Doctor, he says: 'At the time I took the wagons, I had no idea of undertaking to bring them into this country. I exchanged fat horses to these missionaries for their animals, and after they had gone a month or more for Willamette and the American Fur Company had abandoned the country for good, I concluded to hitch up and try the much-dreaded job of bringing a wagon to Oregon. I sold one of those wagons to Mr. Ermatinger at Fort Hall. Mr. Caleb Wilkins had a small wagon which Joel Walker had left at Fort Hall. On the 5th of August, 1840, we put out with three wagons. Joseph L. Meek drove my wagon. In a few days we began to realize the difficulty of the task before us, and found that the continual crashing of the sage under our wagons, which was in many places higher than the mules' backs, was no joke. Seeing our animals begin to fail, we began to light up, finally threw away our wagon beds, and were quite sorry we had undertaken the job. All the consolation we had was that we broke the first sage on that road, and were too proud to eat anything but dried salmon skins after our provisions had become exhausted. In a rather rough and reduced state, we arrived at Dr. Whitman's mission station in the Walla Walla Valley, where we were met by that hospitable man, and kindly made welcome and feasted accordingly. On hearing me regret that I had undertaken to bring wagons, the Doctor said, "O, you will never regret it. You have broken the ice, and when others see that wagons have passed they too will pass, and in a few years the valley will be full of our people." The Doctor shook me heartily by the hand; Mrs. Whitman too welcomed us, and the Indians walked around the wagons, or what they called "horse canoes," and seemed to give it up. We spent a day or so with the Doctor and then went to Fort Walla Walla, where we were kindly received by Mr. P. C. Pambrum, chief trader of Hudson's Bay Company, superintendent of that post. On the first of October we took leave of those kind people, leaving our wagons and taking the river trail—but we proceeded slowly. \* \* \*"

We are further told by Bancroft, that in 1841, Dr. Newell returned and took his wagon down the Columbia, so that it was absolutely the first American wagon to reach the Willamette Valley from across the plains and mountains.



And now, before narrating any of the events of his life in the Willamette Valley, let us note the estimate put upon this man by some of his co-temporaries, including that statesman of the pioneers, Hon. Jesse Applegate, who after the fall of 1843 became one of his intimate acquaintances. In a manuscript in the Bancroft Collection, Mr. Applegate says:

“Though Newell came to the mountains from the State of Ohio in his youth, he brought with him to his wild life some of the fruits of early culture, which he always retained. Though brave among the bravest he never made a reckless display of that quality, and in battlefields as in councils, his conduct was always marked by prudence and good sense. Though fond of mirth and jollity and the life of social reunions, he never degenerated from the behavior and instincts of a gentleman. Though his love of country amounted to a passion and his mountain life was spent in opposition and rivalry to the Hudson’s Bay Company, he never permitted his prejudices to blind his judgment, or by word or act to do injustice to an adversary. Of undoubted truth and honor, he was the unquestioned leader and adviser of men of his class, both British and American, and enjoyed to a great extent the confidence of all parties in the country. His influence in the early days was therefore great, and both in public and private affairs, he was frequently called upon to exert it. It is enough to say in his praise that it was always exerted for good.”

Mr. F. X. Matthieu says of him:

“Newell was head and shoulders above all the other mountain men in his knowledge of government, and in the knowledge of the methods necessary to be employed in organizing a government; in fact he was something of a statesman.”

And Dr. W. F. Tolmie, that scholar and gentleman of the legislature of the Provisional Government, in a letter in 1883 to Senator Nesmith, speaks of having been “intimate with that shrewd, amusing Robert Newell of Champoege,” and inquires affectionately about him.

John Minto says, “Bob Newell was a man of honor and as a citizen deserved the trust he received and carried with self respect.”

Arriving then in the Willamette Valley in December, 1840, and accustomed to the nomadic life of the mountains, it did not take long to establish a residence (with Joseph Meek as his neighbor) on the Tualatin Plains near where the town of Hillsboro now stands, and at first farming seemed the only career open to him. In the testimony before the British and American Commission, Meek states that Dr. McLoughlin refused to loan seed grain to him (Meek) but that he did give some to Doc. Newell; and at another time said that under compulsion of Newell he (Meek) put in his first crop. But Dr. Newell appreciated the better value of a location upon a navigable stream and in 1844 (See records U. S. Land Office) removed to the vicinity of Champoege upon the Willamette River, where he selected a Donation Land Claim and resided for nearly twenty years. In the winter of 1842-3 he was one of the active organizers of the Falls Association or the Oregon Lyceum (at Oregon City) which was the earliest literary and debating society in Oregon, formed "to discuss the whole round of literature and scientific pursuits." In 1845 he was one of the three directors in the organization of the Oregon Printing Association, which brought out the first newspaper in Oregon, *The Spectator*. It is of interest to note that these directors adopted the rule "that the press should never be used by any party for the purpose of propagating sectarian principles or doctrines, nor for the discussion of exclusive party politics." This sounds very much like Newell and was intended to hold in check the conflicting interests in the paper. His name, however, does not appear on the roll of the total abstinence society (Washington Temperance Society) formed in Oregon in 1847, although he was not at any time in his life considered an intemperate man; but the name of Joseph Meek, who nearly always drank, heads that list. During those years he was a pioneer in the transportation business on the Willamette above the falls, in proof, witness this advertisement in *The Spectator* of April 30, 1846:

“PASSENGERS OWN LINE.

“The subscriber begs leave to inform the public that he has well caulk'd, gumm'd, and greas'd the light draft and fast running boats, Mogul and Ben Franklin, now in port for freight or charter, which will ply regularly between Oregon City and Champoeg during the present season.

Passage gratis, by paying 50 cents specie or \$1.00 on the stores. Former rules will be observed—passengers can board with the Captain, by finding their own provisions.

N. B.—Punctuality to the hour of departure is earnestly requested. As time waits for no man, the boats will do the same.

ROBERT NEWELL.”

These boats were among the first, if not the very first, keel boats placed in commission on the upper Willamette, and the business is said to have paid a profit of \$300 during the four or five years they were operated. Why should not the owner have been a jolly man!

In the organization of the Provisional Government, Dr. Newell was a member of the Legislative Committee, and although evidently not sympathizing with all the measurers agreed to, did a large part in framing the organic law that was adopted by the people in mass meeting on July 5, 1843, and he continued to serve upon the most influential committees of the House or of the people up to the time of the organization of the Territory by Governor Lane in 1849. He was elected to represent the District or County of Champoeg (now Marion) in every legislative body up to that of 1849, and during two sessions he filled the office of Speaker. Any consideration of his position upon the measures adopted during those years is not possible in this paper, but it is to be observed that he did not sympathize with the opposition then existing toward the property and business interests of that grand old man, Doctor John McLoughlin. He was a firm friend of and enjoyed the confidence of Doctor McLoughlin. It is evident that he had ability to harmonize differences and to hold in check extreme measures, and that he accomplished this through his recognized sense of fairness and his jovial good will rather than by the vote-swapping methods of the

present day. Every reference to him in the writings of those co-temporary with him and from the memory of those who still live to tell the tale of those early years, is to the effect that he was easily the leader of a very influential class of the people then. And in 1849 he was one of three residents of Oregon who received appointments direct from President Polk to serve as agents over the Indians of Oregon; and he was assigned by Governor Lane to have charge of all those then living south of the Columbia River.

To relieve any tedium of this recital of biographical facts we will now mention a reminiscence of Senator J. W. Nesmith, given in one of his addresses before the Pioneer Association. Though slightly historically inaccurate, it is of interest. Senator Nesmith said:

"As an illustration of the honest and simple directness which pervaded our legislative proceedings of that day I will mention that in 1847 I had the honor of a seat in the legislature of the Provisional Government; it was my first step upon the slippery rungs of the political ladder. The legislature then consisted of but one house and we sat in the old Methodist church at the Falls. Close by the church Barton Lee had constructed a 'ten-pin alley,' where some of my fellow members were in the habit of resorting to seek relaxation and refreshment from their legislative toils. I had aspired to the speakership and supposed myself sure of the position, but the same uncertainty in political matters existed then that I have seen so much of since. Some of my friends threw off on me and elected a better man in the person of Doctor Robert Newell; God bless his old soul! In the small collection of books at the Falls known as the Multnomah Library I found what I had never heard of before, a copy of 'Jefferson's Manual,' and after giving it an evening's perusal by the light of an armful of pitch knots I found that there was such a thing in parliamentary usage as 'the previous question.' I had a bill then pending to cut off the southern end of Yamhill, and to establish the County of Polk, which measure had violent opposition in the body. One morning while most of the opponents of my bill were amusing themselves at 'horse billiards' in Lee's ten-pin alley, I called up my bill, and after making the best argument I could in its favor, I concluded with this: 'And now, Mr. Speaker, upon this bill I move the previous ques-

tion.' Newell looked confused, and I was satisfied that he had no conception of what I meant; but he rallied, and, looking wise and severe (I have since seen presiding officers in Washington do the same thing) said: 'Sit down sir! Resume your seat! Do you intend to trifle with the chair—when you know that we passed the previous question two weeks ago! It was the first thing we done!' I got a vote, however, before the return of the horse billiards players, and Polk County has a legal existence today, notwithstanding the adverse ruling upon a question of parliamentary usage."

Another incident, showing Dr. Newell's natural leadership, is told by Mr. John Minto and runs about as follows: In the fall of 1845 the grist mill of Dr. John McLoughlin at Oregon City was completed and the people obtained permission to hold a ball or house-warming upon its floor. That fall the valley had been visited by Lieut. Wm. Peel (son of Sir Robert Peel) and Captain Park of the Royal Marines. These men were really agents of the British Government sent to ascertain the sentiment of the people as to British sovereignty and to report upon the actions of Dr. John McLoughlin; and the British sloop-of-war *Modeste* was then anchored in the river off Vancouver. The ball was attended by Lieutenant Peel and some of the naval officers, and they became rather free in their actions in dancing with some of the half-breed girls who were present; and Dr. Newell called the Lieutenant to one side and expostulated with him. The Lieutenant said, "I really did no harm, Doctor." Newell replied, "No, Lieutenant, but you know you would not have acted in that manner with a young lady of your own class in London." "Well, Doctor," said Peel, "let us try another kind of amusement. I will bet you a bottle of wine that more of the men on this floor will in the case of a contest support the British side than the American." Newell promptly accepted the wager, and Mr. Robert Pentland, of late from Newcastle on the Tyne, and then a miller in Abernethy's mill, was asked to take a vote, and the result showed that the American sentiment was considerably in the majority. At this Lieutenant Peel said, "Well, Doctor, I'll bet you another bottle of wine that the

man who has just come in and is standing across the floor there will fight on our side anyhow.” The man was Willard H. Rees, who was really very English looking in his personal appearance. Newell again accepted the wager and Mr. Pentland was asked to go over and find out, and in answer to the inquiry Mr. Rees at once replied, “I fight under the stars and stripes.”

We get another glimpse of Dr. Newell when a member of the Legislative Committee in 1843 from Robert Shortess: The discussion was on the question of who should be deemed voters. Most of the committee were in favor of universal suffrage, and, as Dr. Newell had a native wife, naturally supposed he would be quite as liberal as those who had full white families; but the doctor gave us one of his “stumpers,” or as he calls it, “big fir-tree speeches,” by saying: “Well, now, Mr. Speaker, I think we have got quite high enough among the dark clouds; I do not believe we ought to go any higher. It is well enough to admit the English, the French, the Spanish, and the half-breeds, but the Indian and the negro is a little too dark for me. I think we had better stop at the half-breeds. I am in favor of limiting the right to vote to them, and going no farther into the dark clouds to admit the negro.” (See p. 343 of History of Oregon by Gray.)

It may be remarked here that W. H. Gray did not like Dr. Newell and always speaks with disparagement of him, but that no person intelligent upon the subject of Oregon history will place much reliance upon any statement or opinion of Mr. Gray as against that of Mr. Applegate or Mr. Nesmith or other pioneers of the less cantankerous type.

We are now the better able to refer to the spring of the year 1843, and particularly to May 2d of that year, when the people met on French Prairie and American sentiment first asserted itself in public action under the ringing call of Col. Joseph L. Meek: “Who’s for a divide?” etc. It will be remembered that Dr. Elijah White had arrived the preceding autumn with over one hundred immigrants and as an official agent of the United States Government had announced that

that Government was planning to extend its jurisdiction and protection over Oregon. The national question was warmly debated, in family and neighborhood and at the Oregon Lyceum during the winter. Whatever other reasons may or may not have been then advanced among the settlers in favor of an immediate organization it is now reasonably clear that the spirit of Americanism that was abroad really led up to the final action. Who were influential in arousing that spirit? Not the Applegates, Nesmith, Burnett and many other strong men afterward prominent; for these had not yet arrived. Not the leaders of the missionary party, Jason Lee and George Abernethy, for these men had publicly advocated postponement until four years later. And not the officers of the Hudson's Bay Company, who favored a neutral organization, if any. The young men were in the saddle, in fact there were few old men of experience even for counsel, and it cannot be a wide guess that Doctor Robert Newell, whose "love of country amounted to a passion," who was the leader of the mountain men and the neighbor and special adviser of Joseph L. Meek, who commanded the respect of the Hudson's Bay people and hence had much influence among the wavering French-Canadians, figured largely in the result. But we would not hear about it from Newell himself.

In the late fall of 1847 the Whitman massacre occurred and Dr. Newell was the Speaker at that session of the legislature; the terrible news was received at Oregon City on the 8th of December. The first impulse was that of self protection, the next that of punishment (the Hudson's Bay Company party under Peter Skeen Ogden having already become responsible for the rescue of the survivors); and immediate steps were taken to first dispatch a small armed force to The Dalles and to next organize a larger one to invade the Indian country. But some of the members who were best informed as to dealing with the Indians were not so sure of the wisdom of sending an organized fighting force at once into the interior; and on the 14th of December while military preparations were being made the legislature adopted the following resolution: "That

a delegation of three persons be appointed by this House to proceed immediately to Walla Walla and hold a council with the chiefs and principal men of the various tribes on the Columbia to prevent, if possible, their coalition with the Cayuse tribe in the present difficulties." It will be remembered that Craig and Spalding, then near Lapwai together, sent word urging that soldiers be not sent, and that Father Blanchet who was then on the Umatilla with the Cayuses themselves sent similar word, and that Peter Skeen Ogden and others of the sagacious Hudson's Bay Company officers did not favor invasion; though all this was unknown at Oregon City when the resolution was passed.

But the appointing power was finally left with Governor Abernethy and he either did not sympathize with the idea or was otherwise advised, for the three commissioners were not appointed for some weeks; they were Joel Palmer, Robert Newell and H. A. G. Lee. The first named then already had more than his hands full with his duties as Commissary-General and the last named was in active service at The Dalles in command of those volunteers who had already gone there; and it ended with the peace commissioners—so called—going forward in company with the Rifler—so called—when they marched from The Dalles in force in February. Looking back at the situation from the present time, a careful student of the history of our early Indian wars can, with reasonable certainty, say that had the advice and suggestions of Dr. Robert Newell and a few others then been followed and the Indians treated with pacific firmness instead of war methods, there would have been no Cayuse war with its attendant expenses, exposure and loss of life, that the murderers of Dr. Whitman would have been surrendered by their own people, and that the settlement of the interior would have been advanced ten years in point of time. Dr. Newell, however, did not sulk; and in January he assisted in the organization in his own county of Company "D" of the Rifles under Captain McKay, and accompanied them as one of the peace commissioners. For this position he was peculiarly well fitted be-



cause of his knowledge of the Nez Perces dialect and his personal relations with that tribe. As such commissioner, he was present at Wailatpu on March 7, 1848, and delivered one of the principal speeches at the council held on that day with the Nez Perces; and that speech so well reveals the finer sentiments of the man that we may well insert it here. He spoke as follows (See Brown's *Polit. History of Oregon*, pp. 394-6):

"Brothers: I have a few words to say, call together all your men, old and young, women and children. This day I am glad to see you here, we have come to talk with you and to tell you the duty we owe to our God and all good people. I have not come here to make peace with you; we never have been at war, but always friendly. This I know; this all our people know. I have fought with the Nez Perces, some of them I see here, but we were on the same side; we have lost friends on the same day and at the same battle together. But we did not lose those friends in trying to kill innocent people, but by trying to save our own lives. This I have told our people, our people believe it. I have told them you are honest and good people, they believed it. Your hands are not red with blood. I am glad, my children are glad. And now brothers hear me; never go to war with the Americans; if you do, it will be your own fault and you are done. I have come here to see you, the Nez Perces and other good people, no one else. I am not here to fight, but to separate the good from the bad, and to tell you that it is your duty to help make this ground clean. Thank God you have not helped to make it bloody. I was glad to hear the Nez Perces had no hand in killing Dr. Whitman, his wife and others. What have the Cayuses made, what have they lost! Everything, nothing left but a name. All the property they have taken in a short time will be gone, only one thing left, that is a name, 'the bloody Cayuses.' They never will lose that, only in this way, obey the great God and keep his laws. And, my friends, this must be done, if you will obey God and do what is right, we must. This is what our war chief has come for. What is our duty to the great God? This is his law. He who kills man, by man shall his blood be spilt. This is his law. This is what God says, and he must be obeyed, or we have no peace in the land. There are good people enough here among the murderers to have peace again in the land should they try. In a few days we could go about here as we have done, all friendly, all

happy. Will you hear, or will you not. You have heard that we have come here to fight all the Indians, it is not so. The evil spirit has put bad words in the mouths of those murderers and they have told you lies.

"My friends, one thing more let me tell you; we have come here because it was our duty. We are sorry to have to come, but the laws of God have been broken on this ground; look at these walls, see how black they are; look at that large grave. He is angry with those people who broke his laws, and spilt innocent blood. How can we have peace? This way, my friends, and no other. All join together, and with good hearts try to get those murderers and do by them as the great God commands, and by so doing, this land will be purified, and in no other way will we have peace. I am sorry to see people fight like dogs. People who love to kill and murder—they are bad people. We have come here to get those murderers. If good men put themselves before those bad people, they are just as if they had helped to murder, and we will hold them as such. The most of the Cayuses have gone off, but a few are here. They have left their farms. Why is this, what have they done? Because some of their people have been foolish, all should not turn fools and be wicked. I am sorry, very sorry to see it so. What will they do if they fight us, and fight against our God, and break our laws? I will tell you, they will become poor, no place will they find to hide their heads, no place on this earth nor a place in heaven, but down to hell should they go if God's words are true. I hope you will be advised and take good council before it is too late.

"Our war chief has waited a long time for the Cayuses to do what is right, he will wait no longer, and when he begins to fight, I do not know when he will stop. His heart is sore for Dr. Whitman and his wife, that have been slaves to these people, who done all they could to teach them how to work, and how to do all good things, that they might live like the whites and be Christians, but they have joined the evil one and become bad; they have murdered, they must not escape. My friends, I am not angry, I am sorry. The other day over yonder where we fought the Cayuses, we saw people coming, I went with a flag, I had no gun, made signs of peace, waved the flag for them not to shoot, but stop and talk, but they would not. I went back sorry, I knew there were some people there who had done us no harm; but those bad people told them lies, and gave them horses to fight us. Bought them like slaves to fight. I knew they came blind, but they knew not

what they were doing; I wanted to tell them what we had come for but could not. I have done my duty. God knows my heart. If I do wrong, then the great God will punish me, and now I tell you the same as if you were my own children. Do not join with those murderers, nor let them come in your country, or in your lodges, or eat with them; but try and bring them to justice.

"My friends, I have no more to say to you now. I have come a long way to see you and talk with you; will you throw my words away? I hope not; I beg you to hear my words and be wise. I have brought this flag for the Nez Perces; take it, I hope you will keep clear of blood. Let the Nez Perces assemble and settle among yourselves who will keep the flag. Ellis is not here, and many other chiefs are gone to the buffalo country that I am acquainted with. Mr. Craig will tell you that we are your friends; he loves you; so do we all like him; he has told us many good things of you."

Largely as a result of that council, the Nez Perces did not take part in the Cayuse war, and the large American flag then presented to them was proudly preserved and assisted in influencing them in later wars (Kip's Journal, descriptive of the Indian council held at Walla Walla in 1855, tells of the arrival of the Nez Perces warriors 2500 strong with that flag waving proudly before them.) Two days later another council was held with some of the Cayuses who consented to be talked to, but with little effect; and immediately after Dr. Newell left the volunteers and returned to the Willamette in company with Captain McKay, who had been wounded. But he really wished to be clear of the whole business from then on, for fear that his personal assurances to the Indians would not be kept. And looking at the problem as he did, from the Indian's point of view, it was impossible for him to feel otherwise. While serving on this expedition, he kept a journal or memoranda which is now preserved among the Archives of Oregon, and contains much interesting and valuable information.

Although, in 1849, appointed to the position of Indian Agent as already mentioned, Dr. Newell did not qualify but joined the large majority of the male population of Oregon

in the rush to the California gold fields, drawn particularly by his personal acquaintance with James W. Marshall, the first discoverer of gold there. But we do not read of his making any large stake and in the fall of 1850, he seems to have been back again at his home, for he was a candidate for the legislature at a special election in December of that year, and was defeated. The Democrats were in control in Marion County and although Dr. Newell affiliated with that party, it was ten years later, in 1860, before he was again chosen to the legislature and took part in the strenuous contest resulting in the compromise by which Col. E. D. Baker and J. W. Nesmith were chosen to the United States Senate. During the intervening years he was by no means out of politics, but held a place in the third house.

After returning from California he engaged in warehousing and did a commission business in wheat; and in partnership with J. D. Crawford owned a store at Champoege which dealt in flour, feed, ham, "pickled pork" (bacon) and such staples. He had caused the town of Champoege to be platted. In 1854 he was one of the charter members of a railroad company that proposed to build a road from Eugene to the Columbia River; but nothing came of it. In the Indian war of 1855-6, called the Yakima War, he organized a select company of thirty-five men, calling themselves The Scouts, and served as their captain; and did valuable service under Major Rains in the Klickitat and Yakima country. But seemingly he did not permit himself to go into the Walla Walla region where he might meet some of his personal friends, the Nez Percés. In the year 1859 his name appears in the statute as one of the lessees of the State Penitentiary of Oregon.

When serving as Speaker of the Assembly, on December 11, 1845, the record shows this written request to have been made:

"To Honorable House of Representatives:

Gentlemen:—Having received information of my wife being very ill, I am compelled to request of your honorable body immediate leave of absence; and by granting this you will confer a favor upon, Your very humble and obedient servant,

**"ROBERT NEWELL."**

This is our public record of his marital faithfulness up to the date of the death of his native wife, the Nez Perce woman; the records of Marion County show that during the following year he was married to Miss Rebecca Newman of that county, to whom one-half of his Donation Claim was afterward conveyed by U. S. Patent. It would not be wise to mention this had the land been located in and subject to the community property law of the Territory of Washington, for fear some ambitious lawyer might even at this late day try to upset the title under some claim through the children of the first wife. The dower laws of the State of Oregon would render such an effort unprofitable. With this second marriage, his family responsibilities were notably increased, for eleven children were born to them, eight being boys and three girls; by his first wife he already had five boys. It is evident that Dr. Newell was a very early admirer of President Roosevelt's doctrines. In the year 1861 occurred the turning point in his career as far as worldly possessions are concerned, for on December 4th to 10th, of that year, came the great flood in the Willamette River, which washed away his store and warehouse and covered the whole country around. His house was then the best in the community and stood upon high ground and above the high water. Mr. Himes is authority for this statement, which he has heard from many of the old residents about Champoeg: "I do not know what I would have done had it not been for Doc. Newell. He broke himself up helping his neighbors." His property and business were gone but his hospitality reached out over weeks and months.

In 1862 the mining excitement was drawing people into the country around the Clearwater and Salmon rivers of Washington, afterward Idaho Territory. This country belonged to the Nez Percés and white men had no right to be there until treaties with these Indians had been made and ratified; the treaties of 1855-6 had never been fulfilled by the Government and the Indians were feeling very angry about it. There was trouble imminent and we read of special councils being held at Lapwai at which Dr. Newell and Col. Wm. Craig (another

warm friend of the Nez Perces after whom Craig Street, Walla Walla, is named) were with difficulty able to hold them in check.

With the thought to retrieve his fortunes in the Government service in the country of his Indian friends after the year 1861, Dr. Newell made his abode at Lapwai more than at Champoege, although his family were not permanently removed to Idaho until the spring of 1867. In 1863 Idaho was admitted as a Territory and the two political parties held their conventions to name candidates for Delegate to Congress. The Democrats held their's at a cabin on the Packer John Trail near what is now known as the Meadows, as a half-way point between the Boise Basin and the Lewiston country, and Dr. Newell was the candidate put up by those from the Lewiston district. He was defeated, however, by J. M. Cannady from the Boise Basin; and Cannady was in turn, in the election that followed, defeated by W. H. Wallace, Republican. There were in the country east of the Cascade Mountains during the early sixties, more people than resided west of that range, at least in the political divisions of Washington and Idaho, and the town of Lewiston was rapidly coming into prominence, although located upon land to which no title could be given. In fact, all the early acts of the Idaho legislature, while Lewiston was the capital, were technically invalid because enacted upon land that did not belong to the Territory or to the United States. In May, 1863, the Nez Perces chief agreed to a new division of their lands, but the treaty was not confirmed at Washington and proclaimed until April, 1867. It was very necessary to secure a title and, according to the official Government reports, one of the most influential men in that negotiation was Dr. Robert Newell. He was criticized by some because a larger tract was not ceded then, but as a matter of fact his position was a delicate one, for the Nez Perces refused to cede anything unless a clause be inserted in the treaty as follows: "Inasmuch as the Indians in council have expressed the desire that Robert Newell should have confirmed to him a piece of land lying between Snake

and Clearwater rivers, the same having been given to him on the 9th day of June, 1861, and described in an instrument of writing bearing that date and signed by several of the chiefs of the tribe, it is hereby agreed that the said Robert Newell shall receive from the United States a patent for the said tract of land." (See Treaty of May 7, 1863.) This tract of a little more than five acres—which included an old Indian burial place—lies in the oldest part of the City of Lewiston and upon it still stands the house in which he died. The patent followed, though some time after his death, and the unsettled condition of all titles at Lewiston up to about 1872 gave occasion to some minor disputes with squatters and adjoining owners during his last years. It was to assist in securing for the Indians some amendments to this treaty that Dr. Newell visited Washington in 1868 with the chiefs, as previously stated; as well as to secure his own appointment as Indian Agent.

Between 1862 and 1868, Dr. Newell held different positions at Lapwai, as special commissioner and as interpreter both at the army post and the agency; the Indians trusted both Newell and Perrin B. Whitman with their business affairs. Upon returning from Washington he, on October 1, 1868, succeeded James O'Neill as regular Agent, under David Ballard, Superintendent of Indian Affairs and Governor of Idaho. But he held the position only until the 14th of July, 1869, when the agency was turned over to Lieut. J. W. Wham of the U. S. Army. Under a change of policy just then the War Department was placed in charge of Indian affairs, and Col. De L. Floyd Jones relieved Governor Ballard. This change of policy was a matter of regret to many people who were well informed as to Indian affairs. Dr. Newell's conduct of the office of Agent was after his usual happy style; an incident illustrates this. A party of the employees were preparing to go up the Clearwater after a raft of logs, for building purposes, and were getting their outfit and provisions together and sent a Mr. Holbrook to the Agent to ask for some candles. "Candles, candles?" demanded Newell,

"First time I ever heard of running a raft by candle light!" But he gave them the candles just the same. His rigid manner of doing business, old fashioned perhaps we might call it, and his evident irritation under the system of Government vouchers acquired for him, with some, a reputation for eccentricity during those years. But with scarcely an exception, every one at Lewiston who remembers him testifies to his integrity and honesty. The Auditor of the Interior Department, in a final checking up of his accounts at the agency (not, however, until 1880) found an apparent discrepancy against him for which suit of equity was brought in October, 1881, against the heirs of the estate, but the judgment rendered in January, 1884, was in favor of the defendants. In reply to an inquiry sent to the Department, Mr. Larrabee, acting Commissioner, states (on April 22, 1908) that "an examination of the Auditor's settlement shows conclusively that there is nothing in the whole transaction which can be construed as being prejudicial to Newell's reputation. \* \* \* In view of Mr. Newell's inexperience, he having served as Agent for only nine months, the above discrepancies are not to be wondered at. It does not appear that Mr. Newell ever profited to the extent of a single penny by reason of dishonest dealing, and from other records on file in this office it appears that his honesty and uprightness were unquestionable."

When it was learned that he was to be superseded, the Nez Perces themselves, in June, 1869, caused a petition to be drawn up stating among other things that he had been their friend for forty years and was the Agent of their own choice, and to which eleven chiefs and one hundred and thirty-three prominent men of the tribe affixed their names requesting of President Grant his retention in the office. This petition is on file at Washington.

Mention has been made of the visit to Washington. That journey was undertaken at the instance and expense of his friends, both Indian and white, and he jokingly remarked when starting that although going as cook, he expected to return as Captain. He traveled with the regular Agent, Mr.



O'Neill, and interpreter, Mr. Whitman (neither of whom was averse to a continuance of their official duties), and the four Indian chiefs whose presence had been invited at Washington. From Portland they went by steamer to San Francisco and Panama, and thence via Aspinwall and New York to Washington, and while there Dr. Newell was nominated by President Johnson and confirmed by the Senate as Agent at Lapwai, and secured his official bond in New York City. The writer has been privileged to read the personal diary kept by Dr. Newell during that journey, and hopes to be allowed at some future time to edit it for publication. It contains many references to public men well known in Oregon history. Although for three months in company with rivals for the same official position, there is in it all just one short sentence of very mild personal reflection, which indicates very well a generous disposition. From this diary also we learn Dr. Newell's religious preferences; he attended the Episcopal Church with regularity whenever it was possible.

His second wife, Rebecca, died at Lewiston in May, 1867. In June, 1869, when sixty-three years of age, he, after a habit of his, was again married, and his friend Mr. Roberts thus describes his courtship: "During his services as Indian Agent he was in the habit of sending to me at Walla Walla for employees. Among the last sent for was a matron teacher, a lady of middle age, capable of teaching Indian girls to sew, etc. In this letter he said he would come with his carriage to Walla Walla and take the lady back to Lapwai. I had a friend and acquaintance by the name of Mrs. Ward, a widow of a M. E. minister who had recently died in California, and who was living with her son-in-law, Lon Bean. She engaged for the position and the Doctor came down as proposed and stayed two nights at my house and took the lady home with him. She put in just one month under Government service and then she and the doctor were married. How well I remember that while he was still Indian Agent, he and his wife were down at Walla Walla and made me a visit of two days, and joshed me about being a match-maker."

It was during these years when engaged at Lapwai, but returning every now and then to Champoege, that he read in the Marine Gazette of Astoria the series of articles written by W. H. Gray and afterward compiled into what is erroneously entitled a History of Oregon, in which Mr. Gray gave his account of the formation of the Provisional Government and of the political events of those years. In reply to those letters Dr. Newell wrote several communications that were printed in the Democratic Herald of Portland in 1866 and afterward compiled by Elwood Evans under the title "Newell's Strictures on Gray." These letters of Dr. Newell contain very interesting data as to the time of which he wrote and are considered a valuable source of early Oregon history. It is needless to say that he returned to Mr. Gray good measure for all personal allusions.

Dr. Newell died possessed of only a limited amount of property; his large family had kept him "rustling." The farm at Champoege had been sold in 1866 and just before his death he had bargained with William Rexford for another farm in what was then Walla Walla County, on the old Walla Walla-Lewiston stage road at the first crossing of the Patit, two or three miles above Dayton, Washington (afterward known as the Graham farm.) This land and the five acres in Lewiston (title not then confirmed) comprised practically the whole of his estate. Death came upon him suddenly, of heart disease.

Dr. Newell's politics and friendships are reflected in the names of his sons; one was named Thomas Jefferson, another Stephen Douglass, another Francis Ermatinger, and another Marcus Whitman. The remainder of his children bore family names; five of them are still living. He had a sister named Martha who crossed the plains as the wife of William ("Billy") Moore, who settled on the Tum-a-lum near Walla Walla and whose farm was one of the early land-marks of the Walla Walla Valley.

Dr. Robert Newell was only one of the virile pioneers of Oregon entitled to recognition; not a great man above all his

fellows, but to be awarded a place in the first rank; and not without his human limitations, of course. If any great faults were common to him they have not been discovered by the writer; and any small ones have been merely mentioned. It is related of Peter the Great that when any one began unfolding the faults of another in his presence, he would interrupt to ask: "But has he not a bright side? Come, what have you noticed as excellent in him?" And we cannot but feel well toward the memory of a man who is universally conceded to have been brave, modest and generous to a fault, who passed through the days of a mountain career without giving away to its debauchery, who was faithful and attentive to his native wife during the twelve years of their married life, who respected religious things and was ever ready to aid the destitute and distressed, whose qualities of leadership were always recognized, whose regard for the truth was so exceptionally high, and whose jovial disposition is a common recollection of all who knew him. Said Senator Nesmith in the address already mentioned:

"Genial, kindhearted Newell! How many of you recollect his good qualities and how heartily have you laughed around the campfire at his favorite song, 'Love and Sassingers'! I can yet hear the lugubrious refrain describing how his dulcema was captured by the butcher's boy:

'And there sat faithless she, A-frying sassingers for he.'

"He has folded his robes about him and lain himself down to rest among the mountains he loved so well, and which so often have echoed the merry tones of his voice."

# FROM YOUTH TO AGE AS AN AMERICAN.

By JOHN MINTO.

## CHAPTER II.

### LEARNING TO LIVE ON THE LAND.

I cannot say but that I had a bearable existence while mining coal in Pennsylvania. The comparative freedom of life and the hope of wider opportunities began in me with my first glimpses into frontier literature and observing how easy it seemed to live well from the land. It was called hard times, and doubtless was,\* to those who had to get money from their crops; but beyond this general condition I learned to look to the frontier and beyond, and resolved that I would reach it by the first opportunity, and that came to me in the city of St. Louis, when I was informed that family men of means were preparing to emigrate to Oregon. I lost no time in getting among them and engaging my labor for the opportunity of coming with one of the very best among them. I kept my engagement in such a way as secured me more than I had any right to expect, and the good will of the family in addition, marrying the oldest daughter the third year after our arrival in Oregon.

The first labor I did in Oregon was in the superb timber on the foothills of the Coast Range. I made fence-rails and cut and helped to roll and notch logs into the walls of claim-holding cabins. D. Clark, S. B. Crockett and myself, after we had squared accounts with Gen. M. M. McCarver for provisions furnished us on the Umatilla, were engaged by a contractor for such work called "Little Osborn," and the four of

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\*There were stay laws that intervened, creditors being given three months time to make payment of five dollars, with longer time as the debt increased. A good meal of cold food was set out in a wayside tavern for 6¼ cents, and a clean and warm feather bed at the same price. An advertised force sale sometimes failed for lack of bidders.

us put up and covered with "shakes" five cabins, sixteen feet square with eaves six feet above the ground, in a week. This was while we waited for our friends with the wagons to reach The Dalles so that we might go to help them down the Columbia; to do which we had, through General McCarver, received promise of a loan of a Hudson's Bay Company's boat by the good Chief Factor McLoughlin. This occupied us a month and I spent nearly as much more helping Captain Morrison domicile his family at Clatsop.

Hunt's mill was built on the brink of a seventy-foot fall of a small stream entering the Columbia about two and one-half miles east of Clifton railroad station. The mill-irons were brought across the plains by ox team in 1843, with the purpose of cutting lumber for export. Mr. H. H. Hunt was from Indiana; B. T. Wood, associated with him, was from New York. They looked out the stream for their purpose with the least possible delay, and found one where water power could be applied to cutting timber with the least possible labor, about thirty miles east of Astoria in the bottom of a deep ravine clothed with as fine timber for their purpose as could be found in Oregon. There were sixteen men when I joined them, about January 25, 1845. They had been nearly a year erecting the mill, and had begun to cut without the aid of any team. (I assisted in taking the first yoke of oxen from Oregon City to the mill in July, 1846, in a small scow.) My mining stroke came in good play for cutting trees level with the surface of the ground to facilitate rolling the logs by hand to the saw. It was very slow work with the means at command; it was a good day's run when 3,000 feet, board measure, were cut. A five-foot log was a heavy one to handle by human strength. In 1846, Mr. A. E. Wilson, the first American merchant to settle at Astoria, bought B. T. Wood's interest in the mill, and he brought into the work the yoke of cattle mentioned, and a force of five Kanakas, under contract with King Kamahamaha of the Hawaiian Islands, at five dollars per month, and salmon and potatoes furnished them for food. They were willing, cheerful workers.

Late in the same year, James Birnie, retiring from the Hudson's Bay Company's employ, a factor at Fort George (Astoria), bought an interest in the mill and located a claim on the north side of the Columbia nearly opposite, naming it "Cathlamet." The native Cathlamet was on an island on the south side, about a mile from the present site of Clifton. Mr. Birnie had claims against the Hudson's Bay Company and could get goods of a better kind and quality than could be secured at Oregon City or of Mr. Pettygrove at infant Portland. The woollens were made for the Indian trade, coarse but honest, as was the clothing of United States soldiers at that time. This was because the Hudson's Bay Company had to meet the wants of their officers and families and occasional calls from the British Navy. It was through Mr. Birnie that the writer was enabled to get a decent suit to be married in, in 1847. I earned the price by squaring the first wooden tram-way rails used on the Columbia, and this date was near the close of the "wooden age" of Oregon's industries; when wood was used wherever it was possible.

During my first harvest in the Willamette Valley, I began to take practical lessons in the severest kind of field labor—that of binding wheat in its own straw. My teacher cut, and I bound after him, one hundred and eleven acres during the harvest, and under his advice I purchased from Mr. David Carter the claim to the original Methodist Episcopal Mission site, taking him in as my silent partner. It would have been a good business move if my knowledge of farming had been equal to Henry Williamson's, who himself was under promise to return to Indiana to meet in marriage a worthy helpmate, who, as the issue indicated, was wearing her life away in anxiety for his safety. I could not reconcile myself to assuming the responsibility of the care of his property, and making from the land the wheat I had promised to pay for it, and as an offer for 50 per cent advance and my obligation assumed was made before he began his preparations to return East, we sold and parted with mutual good will.

Having fortunately gained the good will of Mr. Carter, I

had no trouble agreeing with him for my board at the rate of two days' labor per week, and thus I secured a home until my own marriage. I was also lucky in finding a beautiful body of land to take for myself, only two miles distant from the claim Mr. Carter had promised and paid \$1,100.00 for, and to which I helped him to move.

Before surrendering the Mission farm, I took up carefully and planted at the Carter place, some gooseberry and currant bushes, a bed of rhubarb plants, and a rose bush to which I gave the name of "Mission Rose," and scattered by slips far and wide over Oregon. I divided these plants with the Carter family. In the spring of 1846 I, by permission, spaded up some fence corners and sowed carrot and parsnip seed, and also planted a half-acre of potatoes in Mr. Carter's field.

My labor paid to Mr. Carter was mostly splitting rails, which I learned to do fairly well, and I dug his wells for him and others, which was more like mining; also, I made some rails for myself, walking or riding over the two miles morning and evening. It is not possible for me to describe the ecstasies of joy and hope I often felt as I passed to and fro over my chosen home-site. It was a very garden spot of edible roots and wild fruits and growing plants, though the surface was hills and narrow vales.

I was assisting Joseph Holman in his wheat harvest in 1846 when we noticed a grass-fire start, apparently on the foothills about a mile south of the Institute—now the University—at Salem. It crept slowly south and east from day to day, a distance of four or five miles over slopes facing north and east, without injury to the evenly distributed oak timber, well described as "Orchard Oak." Most of this was not fully grown, and I may say, never did nor will attain full growth. No one thought at the time that that slow grass-fire was Nature's process of preparing a seed-bed for the red and yellow fir that would grow up so thick as to arrest and in many cases utterly kill the deep-rooting oak; but it did, and I can take any Doubting Thomas to half a dozen places I have recently visited, where dead oaks stand as witnesses.

It may be worth while here to ask the causes of this phenomenon. In the writer's view, at the beginning of the contest between the species of trees, the hundreds of young firs begin the contest by drinking the waters of tree-life as they fall—the myriads of sponge-like rootlets of the young firs absorbing the rainfall before it reaches the oak roots in sufficient quantity to promote growth; the weaker firs perish as growth progresses, and by the time the fir reaches the height of the oak, the many are robbing the one, or few, oaks of the air and light as well as the rain from heaven. The end of growth of the oak has come, and in some cases complete death, to which end the appropriation of air and light at the last by the conifers seems most effective.

In my view, the general level of life-sustaining moisture in the cultivated portions of Western Oregon has lowered, in the sixty years of my observations, in many places not less than two feet; in some places, ten. The ditching to drain road-beds, both common and rail, and drains for field crops and cultivated fruits and hops, and even ornamental trees and plants, have all tended to absorb the life-giving surface moisture. Added to the loss by natural laws, is the artificial loss of moisture by the curing of hay, drying of grain crops, prunes and other fruits, and hops.\* Long-keeping apples shipped to New York, London and other markets carry 80 per cent of their weight in water. Is it worth while to inquire the effect of increasing or diminishing the flow of streams from a well-cultivated country, when we know in reason that every process of removal or even breakage of the tissues of plant life means the severance of minute channels for the passage of water we call sap from the ground, as a sponge, into the plants growing upon its surface as pumps, and the general effect is that the Willamette Valley has largely ceased to be the home of the crane, curlew, gray plover, and even the snipe, as well as the beaver, muskrat and wild duck. These damp-land and water fowls and animals, which once found

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\*Many observers believe the evaporation of hay and grain crops has modified the summer climate, giving more cloudy days.



here their breeding places, have gone forever, unless farmers in the near future construct artificial fish-ponds, and reservoirs for irrigation when needed. That can and will be done, doubtless, but the beaver's method of impeding the run-off and keeping the silt from going to sea, should not be ignored, but fully credited, for I think it checked the run-off more than any other cause. Indeed, I think it is safe to say that within a very few years, experiment will be made with surface irrigation in the Willamette Valley, both by the United States Government and private enterprise, in raising particular crops. It may even be conceded that the use of water by hose on city garden lots and grounds has already settled the question of economy on that point. For scenic embellishment alone every farm of 160 acres should, where possible, have a pond of living water deep and cool enough to breed and keep trout or bass.

While I was making preparations, I located my cabin on the spot commanding most completely the entire valley, and 150 yards or more from living surface water. But when she came for whom I was making ready, I slowly realized my mistake and subsequently put the correct location into measure in the following lines:

"We will build our home by the hill, Love,  
Whence the spring to the brooklet flows,  
On the gentle slope where the lambkins play  
In the scent of the sweet wild rose."

### CHAPTER III.

The reader may take note of these facts: from January 25, 1845, until about seven weeks before my marriage on July 8, 1847, I labored at any kind of unskilled work that offered, and at such wages as were offered, without a suspicion that at the first intimation that Martha Ann Morrison had consented to marry me I was to be estimated at what I was worth as a husband, as unfeelingly, it seemed, as though I were one of the wooden plows or harrows Captain Morrison was so good at making. His desire to engage me to build him a log barn

gave me the opportunity to inform him that his daughter and I had agreed to marry and make our home on a spot where I had already made a beginning. He may have expected that; he only made the objection that his daughter was yet very young and needed to be in school, which was true, but we were neither of us at a reasonable age, I near twenty-five, she sixteen. It was Mrs. B. C. Kindred, a grand-daughter of Daniel Boone, who denounced my proposal as an outrage, "When the girl had a choice from all kinds of men near home." It was a year after the event that I learned that the noble mother settled the confab by quietly remarking, "Well, if day's wages will support a home, John Minto's wife will have one, for I know there is not a lazy bone in him." The fact was, I never worked a day on wages from the time the girl consented, except for Oregon and the United States. We had, indeed, within the first fifteen months of our life together, to be happy on what would now seem impossible conditions, but we were happy, because hope was always with us.

The Cayuse war called to soldier's duty and sacrifice; followed shortly by the gold rush to California, which, though delaying our plans nearly a year, gave means to carry them out more swiftly and completely than would have been the case had not the "yellow dirt" made possible the finest of rare fruits and flowers, of which I availed myself with a zest and enjoyment which was only half expressed by my reply to an able Methodist minister, when, three years later, he came upon me unaware while I was loosening the graft-bands of a crab-apple tree onto which I had worked six varieties of popular apples and was singing at my work, and remarked, "You seem happy, Brother John." "Yes, Brother Roberts," I answered, "Just now I would not swap with Adam before his fall," and the preacher made no reply. Perhaps he thought me irreverent, but I had no such thought, and that has been the experience of my life when working to enrich and beautify the earth.

Of course our natural enemies were plentiful; the large wolves prowling in bands; the black bear, the panther, the

lynx, and the small wolf or coyote, as cunning as the fox (also abounding) and bolder. Then birds of prey from the sparrowhawk to the eagle. Enemies to the successful keeping of domestic fowls, sheep, pigs, calves or colts were so numerous that when we got a start of sheep in 1849, my wife, spinning wool on our cabin porch, kept the loaded rifle within her reach—in the use of which I had given her lessons on the day succeeding our marriage.

Thinking back to those early days, it seems as though there must have been a reciprocal spirit of fruitfulness and peace between the soil and its cultivators. Especially did this seem so with fruits; I had planted a small apple orchard of two-year-old seedlings in 1850. In returning from the United States Land Office in 1851, where I had proved my right to a donation of 640 acres for myself and wife, in proof of which Surveyor-General Preston thought it his duty to send the certificate of declaration of intention of citizenship made in Washington County, Pennsylvania, to Washington, I was so delayed on my way home that I appealed to Alfred A. Stanton, whose acquaintance I had already made, for a night's entertainment—a boon freely granted—by which, in addition to forming a life-long friendship with the united heads of my ideal American farm home, I learned from Mr. Stanton, who had charge of a branch of the fruit nursery of Luelling and Meek, how to set a side graft. I purchased trees of different varieties of fruits, after a close study of "Johnson's Dictionary of Gardening," Americanized by D. Landreth, of Philadelphia, grafting with all available young wood from trees so purchased. In some cases I had specimens the first year from the graft.

I cannot express the measure of delight my beginnings in pomology gave me. I learned of the kinship of certain trees; for instance, the hawthorn, service, quince and mountain ash to the pear, and on my own low ground transplanted strong, thrifty black haw, and head-grafted with pound pear, Fall Butter, and other pears, and was using the first mentioned baked as a table dish before some of my neighbors had ob-

served a native thorn in Oregon. With a Fall Butter from thorn stock I received first prize at the first exhibit of the Oregon Pomological Society held at Salem. I head-grafted the small, bitter wild cherry with Kentish and May Duke, and got fruit the second year, and heavy crops the third. Just to show it could be done, I set grafts of the Gloria Mundi apple into the native crab, the apples of which are not larger than a raisin, though the Glory of the Earth sometimes reached thirty ounces in weight.

But while exploring this field and its almost boundless possibilities, I went down as well as up in my observations, and learned the secret of fern seed—how it starts from a small speck of reddish dust and covers a recent forest-fire area with fern three feet high after the first year,\* and learned the procreative processes of the mistletoe—the sacred plant of the Druids. I also learned to tell my discoveries to others with the pen.

I sold my first crop of apples and pears on the trees at 14 cents per pound—the buyer picking, weighing and packing in boxes with dry moss to prevent movement, as they were hauled by six-mule teams to Yreka mining camps, in California—the Seckel pears bringing \$4.00 per pound. My second and third apple crops were sold to the late J. M. Strowbridge at 10 and 12 cents per pound, packed in seasoned balm-wood boxes, and hauled to West Portland by way of Boone's Ferry.

I had the care of this 640-acre farm, stocked with horses, cattle, swine and sheep and seventeen acres planted to orchard, comprising the choicest varieties of apples, pears, peaches, cherries, plums and small fruits. These and the sheep gave me occupation and means of advancing in knowledge far more appreciated than the money they sold for, which was ample for our needs.

From the end of my first year of ownership I found that

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\*In 1849 I was at what is now Olney with its first settler, Hiram Carnahan. A short distance up the Klaskanle a burn had killed a body of timber in 1848. His mention of seedling fern made me desire to see it. On the shaded sides of burnt logs were strips of light green. It was fern with its first fronds four to six inches high and a root on each side. In 1854 fern was four to six feet high and hid cattle.

sheep-breeding was my special vocation if I had one. I was surrounded by scenes of delight and varied interests, all pleasant, but the sheep were a delightful care. I learned to be very expert in killing their worst enemy, the coyote, and my success with their breeding gave me character; as, before means of improvement by breeds of prominent excellence were imported into Oregon, I had by selection kept my little flock up in quality so that buyers sought them at twice the common price. I can give no other reason for this, than that their care was a pleasure, and I have often taken my blanket and slept in the fence corner of the pasture to guard them.

By this time the remarkable energies of the people were supplying themselves with fruit and grain and beginning to export wheat and wool. Californians had done both the latter since about 1858, and their most intelligent land-owners had begun to import the world-famed Merino sheep from Vermont and Australia. The same H. Luelling who blessed Oregon by hauling to the State a very full collection of grafted fruit trees, in 1847, was selling trees as well as fruit in California in 1856, and had a ten-acre nursery lot at Oakland. We in Oregon were beginning to import cattle and sheep of English breeds. Some fine-wooled sheep had been brought across the plains in 1847 and 1848. Martin Jesse, of Yamhill County, returning from the California mines, heard a call of sale of Merino sheep on the wharf at San Francisco. He bought twenty head from Macather Brothers, of Camden Park, New South Wales, certified to be of pure blood, drawn by the father of the sellers from the Kew flock of George III, King of England, who owed to the courtesy of the Marchioness del Campo de Alange the privilege of drawing his first pure Merinos from her flock, for which he thanked her with a present of eight English Coach horses; making these the best pedigreed sheep in the United States when they arrived in Oregon.

I did not know of the presence in Oregon of those Australian Merinos until two years later, but was using half-blood Merinos from Ohio and a like grade of Southdown imported by the

Puget Sound Agricultural Company, a pro-British addition to the Hudson's Bay Company, formed so as to have a claim of occupancy to the north bank of the Columbia River in the settlement of the Oregon boundary; which, being settled in favor of American occupation, caused the sheep of the Puget Sound Agricultural Company to be sent for sale to the Willamette Valley settlements (1854.) By my experiments with these grades I was deemed by friends qualified to judge of the value—to the sheep industry of Oregon—of the first importation of pure Merinos into Oregon by the breeding firm of Rockwell and Jones, of Addison County, Vermont, in 1860. Being invited to see the first six sheep brought to Salem by this firm, I was unable to credit the statement of their annual weight of fleece made to me by Mr. Rockwell, and turned away from attempting to purchase. I went home, however, to read up in such history of breeds of sheep as was then written. There I learned that from the time of Roman rule, the nation that possessed the most of this fine-wooled breed of sheep always had the world's market for the finest woollen goods. Hence I learned that kings and noblemen of Europe had for a century been striving to secure the Merino breed of sheep from Spain. That in the strife for the power this gave, Saxony was the seat of manufacture of the finest broadcloths; France, of the lightest, finest ladies' wear; England, of the heavy broadcloths and Merino goods, best for woman's wear in such a climate. That the race of sheep furnishing the material for these manufactures were best suited to dry upland pastures, and, more than any other breed approaching the same value, capable of finding self-support on wild pasturage. I was thus ready to take the offer of my neighbor, Joseph Holman, who had joined Rev. J. L. Parrish in the purchase of Australian Merino from the Martin Jesse import, and that of Jones and Rockwell of Vermont. Mr. Holman offered me the undivided half of ten head of pure-bred Merinos which cost him \$1,012.00, and compensation for the keep and management of his share. I thus got among the pioneer breeders of this valuable race of sheep for \$506.00, and it was

well worth it, from a breeder's standpoint. Of course I was laughed at, but the time soon came for me to smile. I received most of the awards for excellence at the last County Fair held in Marion County, and at the first State Fair, held on the banks of the Clackamas in 1861, selling the first lamb there for \$100.00, and in succeeding years I received, I think, more than 400 awards at the State Fairs on sheep and wool. But always, the gain to me personally was beyond the money value of my flock or my care of it. My study of the value of the sheep and wool interests to the nation being of such service to a great public interest that when the Secretary of Agriculture wanted a man to report to his office the condition of sheep husbandry, the Oregon delegation went in a body to him and asked for my appointment; and I thus became the representative of that interest from the Pacific Coast States and Territories in the National Report on the Sheep of the United States, in 1892, a book of 1,000 pages from the Department of Agriculture.

I still maintained my interest in fruit growing when embarking in sheep breeding as a special line; I farmed, however, mainly for my stock, though paying close attention to the best grains and grasses for my locality. In 1853 the first Farmers' Club in Oregon was organized at my residence. Four years later I was a member of the first County Agricultural Society formed in Marion County and the State. In 1860, the attempt to form a State Agricultural Society began at Portland; but it being desirable to unite all interests of the soil, and most members of the Oregon Pomological Society being in Marion County, the friends of the larger plan met at Salem. I had a somewhat boyish bashfulness at such consultations. While the others (and they were not many, there rarely are when public-spirited work is to be done) were earnestly discussing plans for the holding of the first State Fair, and where it should be held, I wrote off an imitation of Robert Burns' inviting farmers to their duty as citizens, which I had composed while at work in the harvest field of my friend and neighbor, Daniel Clark, whom I had joined in the purchase of

one of the first harvesting machines imported into Marion County. It was intended to aid suggestions of the Oregonian, that the farmers, as yet all in Western Oregon, increase their production of wheat and attract the world's markets to Oregon as a source of supply. The reader will note that my own chosen lines of labor come first to mind. It was headed "The Oregon Farmers' Song," and was given to Alfred Walling, then trying to establish a farmers' paper, and was published in his "Oregon Farmer," I think as follows:

"Ye farmers, friends of Oregon, respected brethren of the plow,  
Waver not, but labor on. Your country's hopes are all on you.  
You have your homes upon her breast, you have your liberty and laws,  
Your own right hands must do the rest. Then forward, in your country's  
cause.

"To shear the fleece, the steer to feed, and for your pleasure or your gain  
To rear and tame the high-bred steed and bring him subject to your rein;  
To prune the tree, to plow the land, and duly, as the seasons come,  
Scatter the seed with liberal hand and bring the bounteous harvest home.

"To stand for justice, truth and right, against oppression, fraud and wrong,  
And by your power, your legal might, succor the weak against the strong;  
The seeds of knowledge deeply plant, restrain ambition, pride and greed;  
See that all labor, and none want of labor's fruits, to help their need.

"These are your duties; and the gain which you'll receive as your reward  
Will be your own and your country's fame, in every honest man's regard.  
Then, friends and neighbors, labor on to bring our State up with the best  
And make our much-loved Oregon the brightest star in all the West."

Later, the following was added at a recitation at a Grange picnic held at the State Fair Grounds at Salem:

"And you, my sister helpmates true, who share our labors—bless our lives,  
In honor still we'll share with you whatever joys these labors give;  
And may the great all-seeing One, our Guardian and Protector be;  
Unite us all; make us as one, for Union, Progress, Liberty!"

It will be noted that the wording and measure are closely related to Burns' "Farewell to the Masonic Lodge at Tarbolton," and that the third line is from Scott's "Lady of the Lake." The reach of sentiment is more than covered by the writing of both the patriotic Scots, but I had made them my own in their application to my exceedingly free and happy life as a learning farmer of Oregon soil, so that when called



on to recite I told the assembled people that I could sing the lines better than read them, and did, much to their apparent pleasure. Is it all vanity makes me believe that giving pleasure in that way to two thousand people, was work well done? From this time on I began to communicate such experiences and results in the care of livestock as I thought would benefit others to know, through the press, and found myself already somewhat of an authority on breeds of sheep as well as fruit culture.

#### CHAPTER IV.

##### THE QUESTION OF SUFFICIENT TIMBER.

This question not only came to us, starting on 640 acres of beautiful-lying land, well watered by more than a dozen living springs, and two miles of running water running from west to east across it, but with only about five acres of timber of convenient size for building and fencing. At that time, standing at the Oregon Institute at Salem and looking west at the Polk County hills, the remark was very commonly made that there was too little timber in the Willamette Valley. On the day of a called meeting at the store of the venerable Thomas Cox (who had hauled his goods across the plains from Illinois) to receive subscriptions or contributions in support of the war against the Cayuses, November, 1847, V. K. Pringle and Father Cox got into a warm discussion on the prospective timber supply, the former claiming a certain scarcity in the near future. Mr. Cox said, "No." There was plenty to start with, and with the pasturing of the grass while green, grass fires would cease and timber would come up in plenty; and that was precisely what was taking place at that very time, though unnoted yet, on more than a township of land in which Mr. Pringle settled.

It was March, 1850, before I found there was no need for me to gather fir cones to scatter for timber. On a real spring Sunday I went with my wife and child up on the beaver-shaped hill which divides the two streams I have mentioned,

and which gave almost a complete bird's-eye view of the half section allotted to my wife. Facing east, we had on my side a beautiful aspen grove in the northeast corner, inclosing a beaver pond, varying in size from a half acre in summer to two acres in winter. On the southeast corner, Battle Creek ran into a beaver swamp of fifty acres or more in winter, but shrinking to a pond of about three acres in summer. Both of these were natural duck ponds, and until late summer the fringes of willow, ash, alder, aspen and green grass made breeding grounds for ducks, snipe, curlew, woodcock, plover and crane, and the deer hid their fawns in the tall, ferny outer margin.

From Beaver Hill, so called by the Indians because of its form, we could see almost her entire south line, the southwest corner containing the five acres of good building timber, mostly not half grown. We were talking of the necessity of providing for more timber, and looking at the steep hillside across the valley of Battle Creek from us, when I noticed numerous dark spots in the whitish, bleached seed-grass of the hillside. We were speculating about that when two or three sows came in sight, running from one oak tree to another, feeding. Judging that they were some of the more than half-wild swine which Mr. Carter had given me as an inducement to take care of his family and farm during his absence in California, I asked my wife to remain there while I ran across the valley, about half a mile, to see if the sows were in my mark. Before getting to them I found that the dark spots we had noted were young firs showing out of the past year's seed-grass. The pigs were mine also, and I joined my wife feeling richer, with reference to our future timber supply.

For years after our settlement I got most of our fuel from fallen limbs of very large and old oaks dead or dying from age. In many cases the bark and sap wood was burned off, and the remainder made splendid house fires. It was about 1857 when a stranger, who had asked for a night's entertainment for himself and his horse, sat before such a fire and gave me the first hint of the error into which my love

of fruit growing might lead me. I was trying with poor success to get some instructive talk from him, and mentioned fruit culture as one of Oregon's reliable resources. He was slow to answer; looking into the oak-wood fire and moving his head in emphasis of his conclusions, he spoke more to the fire than to me: "Not a necessity of life—soon be cheap enough." Nine words, that saved me the folly of wasting investment and labor in planting twenty acres of additional apple orchard where wise foresight called for twenty acres of good hay. I had got it, in part, by ditching through my aspen grove and killing the beaver with gun and dog, thus destroying their pond as a trout pool. I could not now restore it with a thousand dollars outlay. Of course it required ten years of time to indicate to me the probable folly of what I had done, and those years required much labor to check the forest growth from spreading too fast and far over my natural sheep pasturage by means of the winged seed of the yellow fir—a few old trees of which stood on my highest land, immune from the grass fires of former times by the fact that they had rooted upon the top out-cropping of a wide vein of rose quartz, precisely like that of the Quartzville mining camp on the Santiam, as I discovered by riding in there when the indications were first found, when I picked out of the vein myself about \$1.50 in gold from fifty pounds of quartz chippings.

## CHAPTER V.

### THE SPIRIT OF FREEDOM IN OREGON.

I have now in my narrative come to the edge of my life where I think it should be instructive to future workers as well as of interest as past local history. My chief reason for writing it now is past promises to friends that I would do so, to show the conditions first met, and a belief that the last forty-seven years of it may interest my co-laborers in the future development of our State, by reviving memories of what they themselves have contributed to Oregon's advancement, and also, perhaps, encourage the young by suggesting honorable lines of endeavor yet to be occupied.

In my judgment, the men who won Oregon, by occupation, from the power of Great Britain, as represented by the Hudson's Bay Company, had no equals as independent colonizers. It would be a pleasant task to dwell on the prominent individual traits and acts of the very many of them whom it was my good fortune to know, and in some cases to act with. But so many have left their own mark on the history of their time, and men like M. P. Deady and J. W. Nesmith, George H. Williams and R. P. Boise, H. W. Scott and W. D. Fenton have so illustrated the value of preparation, that I have little hope of adding anything worth reading. I can only agree with the estimate of my friend, ex-Governor W. P. Lord, that there never was a body of men better fitted for the work they did in winning Oregon than those who were in advance of the United States' power and laid the foundations of government in Oregon which remain yet, with additions more questionable.

Nesmith and Deady did not owe so much to early training as boys as they did to self-culture in early manhood. The former, a rough carpenter at best, was a natural boss of a logging camp, and that is what he was during most of his first year in Oregon, studying at the same time how to fill the position of probate judge of Clackamas County, then bounded by the Willamette River on the west and the Rocky Mountains on the east. Mr. Deady settled in the Umpqua and labored as a blacksmith for self support at first. R. P. Boise came as a well-read lawyer, but loved the free life of the land. In regard to it as a means of living, he had what I heard Judge Williams say when instructing a jury, "That common sense is the best law." Judges Williams, Pratt and Strong came under appointments. H. W. Scott learned the use of the ox-whip, ax, and gun, before he began the studies from which he graduated to the ambition of founding a great paper, of which the Oregonian is the result. Of Mr. Fenton's youth I am not informed, and that might be said of the majority of the men who came or were drawn toward the front of public affairs during the first twenty-five years of Oregon's governmental history.

It was the love of freedom, more than any other motive, that settled Oregon. The man to whom I gladly became an assistant on the way to Oregon told his kinsmen and neighbors in my hearing that he was going to Oregon, "Where there are no slaves and men will all start even." He and a large majority of those who were here when the Oregon Boundary Treaty was settled in 1846, were what were called "Free Soil Democrats" and believed that a settler on the public domain had all the right to make his local law that a citizen of the oldest State had; and that the man who took another man from a slave State as a slave, into unorganized public domain, made that slave his own equal in natural rights. Being a citizen by adoption, I was free from the influence which being born in a slave State had over good men who had left such States to get away from the institution. Always deeming myself a soldier of and for the United States if the need arose, I never disguised my sentiments but beyond that, took little note of politics. Like a large proportion of foreign-born citizens, I classed myself a Democrat, but never could understand how a real Democrat could believe in holding another man in slavery.

I watched intently the growth of the secession sentiment, and at a primary Democratic meeting held in Salem, first felt constrained to publicly declare my views. The Democrats most active as leaders had a resolution generally submitted soon after a meeting was organized, which bound participants in advance to support the nominees who should be named by the majority present, and this proposition was about to be voted on, as was usual. I got to my feet just in time and said: "Mr. Chairman, I beg to say that I will not support that resolution, and will not be bound by it if it passes." A man called out, "Why?" "Mr. Chairman, I'll tell the gentleman why. Before we can know the names of those whom this meeting is preliminary to nominating, the Charleston Convention will have met to nominate the national officers, and all signs point to a division between those who desire to extend slavery and those who are opposed to its extension; and I wish

to say here and now, that no resolution you can pass shall bind me to vote for slavery." The vote was not put, and the meeting dissolved in excitement. I had spoken in time. Two years later I was named to serve in the lower house of the legislature as a representative adopted citizen.

I was disappointed in finding a proportion of English-born men indifferent to the success of the national cause in the impending struggle and a few actively in sympathy with secession. This last was true in a greater degree among Irish-born citizens, but I ascribed their feeling to a natural sympathy with the weaker side in the contest; their born relations to the stronger and harsher rule of England over Ireland being the fundamental cause. Col. E. D. Baker, in his speeches in Oregon, but still more in his address in Union Square, New York, represented me better than I could have done myself.

As was customary, however, I was expected to state my views to the voters in my own county. Making a "canvass" where there are opposing candidates for every office to be filled, does not admit of many opportunities for making an unimpassioned statement of views on all the important questions usually pending in the public mind, but in Oregon in 1862 the question that overshadowed all others was fealty to the United States Government.

The one opportunity for me to state my position was made for me by unfair treatment. There were so many of us, that in order to give all a chance, fifteen minutes were allotted to each. At Silverton the sympathy with secession was strong and somewhat unruly. It happened my turn came last, and the man immediately preceding me unjustly used an hour and twenty-five minutes, during which time I was wedged in the middle of the crowd between two young advocates of secession, who vaunted their readiness to fight for their principles back and forth across me. To say that I was hot when I got a chance to mount the goods-box used as a rostrum, is to put it mildly. I told my audience that I had been constrained to listen to much talk in justification of secession and boasting of readiness to fight for it because the boasters had been born

in a slave State. As for me, I had no birthright in any. I had assisted to give the title to Oregon to the United States, to which Government my fealty was pledged in almost the same terms as my marriage vows, "And when I lack courage to defend my wife, I may fail to support my pledge of citizenship; but till then, I am the enemy of every enemy of the United States, ready to act in her defense 'By word or pen or pointed steel.' Do I lack other reasons in addition to good faith? Go with me up on the ridge there (north of Silverton) and cast your eye north, west, or south, as far as you can see and much more, the United States has secured by gift the soil in liberal portions for citizens' homes. Then tell me, 'where's the coward that would not dare to fight for such a land?' What security of tenure have you for your homes but the integrity of the United States?"

I dropped off the box between the men who had been more than an hour trying to get me to notice their talk, and the larger said to the smaller one: "Well by G—, would you have expected that from that little fellow?" More worthy men shook my hand and gave many signs of satisfaction. There was only one young man—James D. Fay, a native of South Carolina—sent to a seat in the Oregon legislature by that election; a bright, reckless man elected by the mining camps of Josephine County.

At this time I was busy with my farming and stock growing, and gave considerable time to the State agricultural societies and fairs. The Civil War, in progress, kept us under a strain of excitement; some of the most spirited of our youth went East and entered the national army or navy. A call was made and responded to for volunteers to guard the Indians so as to relieve the regular troops, who were needed on the Atlantic side. There were known to be emissaries of secession here, and Knights of the Golden Circle, under other names, and considerable attention was given to drill, so as to be ready for any emergency. We were kept on the alert. The struggle was so desperate that most people could perceive, by the sec-

ond year of the war, that it would end, apparently, only by the exhaustion of resources of the weaker side.

Neither influence of family ties or of friendship caused men to swerve, nor did past service hold the regard of the people, after a defection from the principal point in dispute—the right to destroy the Union of States which constituted the nation. The fate of General Joseph Lane illustrates what I mean. His character and conduct made him the idol of the people of Oregon until, from his seat in the United States Senate, he said, “If the North invades the South it will be over my dead body.” Men noted with pride every young man who went East and joined the army, and men who took advantage of the national financial straits to pay their just obligations in anything less valuable than gold and silver coin were held in contempt.

In my view, the influence of the Civil War on the people of Oregon was an elevation of character and an increase of patriotism, and had the effect, on myself, of stimulating my attention to sheep husbandry as one means of furnishing the raw material for clothing, and thereby proving that cotton was not “king.”

The tenor of a short essay on sheep husbandry, read before the State Agricultural Society, procured me a letter of thanks from Governor Gibbs, and I think had later some influence in my being elected to its secretaryship, putting me into the position of editor of the “Willamette Farmer,” as one of the conditions of the society’s giving a bonus of \$1,800.00 to its publisher. I think it may have also had some influence in returning me to the legislature in 1868.

## CHAPTER VI.

### TEN YEARS OF MY MIDDLE LIFE IN OREGON.

In 1862, when I was chosen as a representative of loyal adopted citizenship, the following may be given as to my status as a unit of society: a cultivator of forty to sixty acres annually, of which seventeen acres might be called the home



lot—virtually an orchard, though inclosing a roomy cottage house over a framed oak cellar and milk house, in the former of which was shelving to store 600 bushels of winter apples and pears, a sidehill barn with cellar, stable, and shelter for 150 sheep on needed occasions, and smaller buildings for poultry and pigs. There was—is yet—about an acre of immature oak trees in a line from the top of the hill against which the south base of the cottage yet stands. A trellised Isabella grape vine had been allowed to run over the southeast fourth of it and embrace the chimney and a Bartlett pear tree stood at the left of the main entrance, which was at the northeast corner, reached then by passing under two noble oaks, on a strong southern limb of one of which a rope swing and seat always hung between 1856 and 1874. From it the entrance was reached by passing eighty feet of Mission rose hedge—the south border of the cherry orchard. The spring from the hill was intended to be taken into the kitchen at the southwest corner of the building, but is not yet done. There were small fruits and orchard trees west of the house, including most of my experiments with pears grafted on thorn. A White Doyenne or Fall Butter on thorn gave me first prize on that fruit at the first and only exhibition of the Oregon Pomological Society held in Salem.

The orchard extended from hill to hill, including several springs, very deep, clear, and cool, margined and raised by peat formation. They never overflow, but must reach the stream-bed by under-flow of pure, healthy, living waters, over which crab apples, thorn, wild cherry, barberry, aspen and balm (water poplar) were natural growth; and believing that it was natural apple and plum land, I did not heed the advice of Mr. Meek, of Luelling & Meek, in 1850, and avoid this sub-irrigated land, but planted all I could work a team on, with apples one rod apart—early bearers like the American Golden Russet as temporary trees, Baldwins and Newtown Pippins, permanent. The result was living water within reach of the roots—the most economical of irrigation. I exhibited apples a few years ago, on tables with Hood River productions,

which newspaper reporters made equal to them, but an apple grower knows better. Big red apples on trees fifty years old, utterly neglected for the thirty latest years, bear no comparison in quality to the same kind from ten-year-old trees on new ground. Trees live by water, but the soil does its part, and the grower who utterly neglects that will in the end take a back seat as an orchardist. On the other hand, as to the influence of trees on water flow, my experience and observation leads to the conviction that trees are the result of moisture in, under, or on the soil they grow in; that the longer the growing season, the larger the crop of fruit and leafage will be, and the more water will be withheld from reaching the summer channels. The water is taken up by the wood, leaves and fruit, or drawn into the clouds by evaporation, possibly to float off in some cases to modify and make better the climate of other districts.

These opinions were formed in my mind while I was actively engaged in draining my beaver dams, greatly reducing my beautiful aspen grove, which was the chief food supply of the beavers, and the most beautiful scenic feature of a beautiful home, conspicuous as such between Ashland and Portland, and where I have known twenty teams, several of four horses each, to stop for the night, the owners depending on my field or barn for their hay.

The chief enemies of early home building were the carnivori, of which the large wolf was the most destructive, attacking all kinds of stock, colts being their most easy prey, next calves and young cattle. They kept range cattle wild and made swine band together in self defense. They ate up the first two swine I owned, and all their young but one. They ran in families most of the year, I think. I never saw more than seven or eight together, and were so voracious that they were easily poisoned, leaving the small wolf, or coyote, the most cunning and active pest. The largest panthers I ever saw were killed on the same day, near the same spot, by a half-sick boy of sixteen—with a little Indian camp dog and charges

of bird-shot at close range. Panthers were easily killed with the aid of a dog that barked at them.

It was another matter with the coyote; a breeding pair would fight a single dog. We started in 1849 with eighteen sheep which gave fleeces of nine pounds average in 1850; the wool being washed on the sheep in Mill Creek from about the 25th to the last of May—luscious wild strawberries generally forming part of our noon lunch. The coyotes would follow from the hills, two and a half miles to the creek and back, watching. I became quite expert at anticipating their movements and killing them with a gun. One of my first feats was performed under the eye of a stranger giving his name as E. B. Ball (1850.) He was looking for bacon to purchase for the miners, having a pack-train of mules then at the Waldo farm. He had staid all night with us and I judged from his conversation that he had led a company to California in '49 and had had trouble to maintain discipline on the way. He was saddling his mule when sight of a coyote made me silent. Judging the point the prowler was aiming for, I took brush cover to get a shot and had not stopped running when he came out of the brush where I expected. He started running, and I dropped on my knee to try a shot; this caused him to stop. It was fatal. The stranger had seen the game and came with spurs jingling, crying, "—, stranger, that was the best shot I ever saw in my life." We parted good friends, and I saw the man next by portrait in the American Illustrated Magazine in 1897 or 8, as *Ebenazar B. Ball*, of the family whose name attaches to Ball's Bluff, and kin of General Washington, who in dress and figure resembled the E. B. Ball who saw my coyote shot. The Mr. Ball of the magazine was one of the living pictures then (1897-8) seen about the Capitol at Washington. But long after this killing the coyote took such heavy toll out of our flocks that we collected a team of eleven hounds and in seven hunts killed eight small wolves and a lynx—a tassel-eared fellow. It was well-spent time. In thirty-five years of time this lynx had grown to be a panther and the killer of it the hero of campfire stories amid the

Cascade Mountains. I heard a few months ago that it was told by a man who published one of the best histories of early Oregon, and who undoubtedly believed it. Yet the hero was no bigger than me and there were six good neighbors and eleven hounds present, and the greatest risk was run by the man who prevented the dogs from tearing the skin to pieces.

I had at this time no personal knowledge of the climatic and timber conditions of Eastern Oregon, but events were hastening which were to change the pleasant routine of my life and make me more intimately acquainted with the Cascade Mountains than any other Willamette Valley farmer I have known.

On the last of May, 1867, my twenty years of home-building seemed a success beyond anything I had conceived of before my marriage. Seven healthy children had been born to us without serious trouble: the eighth birth was impending and occurred on June 4th, without cause for apprehension. But the infant was not right and became cause of distress to the mother, and of agony to me, because of my utter helplessness. We were four and a half miles from Salem and no house between from which we could get help. Indeed, there were yet few physicians, and no nurses. Women assisted each other, and my wife had inherited from her mother traits which made her conspicuous in such service during those years. On the eighth distressful day the baby died in my arms and for two months it was a question of life or death to my wife. She got up slowly, but an ailment or seat of weakness in her breathing made living in a house a burden to her. We lived one summer in the partial shade of our home lot, but she gained very slowly. One of the best physicians we had, in evident perplexity, said: "Mr. Minto, take her out of the heat of this valley, but not to the dusty atmosphere of Eastern Oregon." I suggested the foothills of the Cascades. "The very place; shade and pure water and rest," said he; and we went to the Cascades as a health resort. The result proved the wisdom of the advice; nothing but the necessity of school for our children prevented me from making a complete change, though I loved

the home we had made. The out-door life was so necessary to my wife that we lived within rifle-shot of our house the summer and fall succeeding our first experience in the mountains.

For six years we summered in among the mountains, and bought the lands we camped on to have the equity of settlers' rights. I had little to do, even when I took my sheep there to get the recreative benefit of mere change of range, and that is great, even if the sheep lose flesh rather than gain it. They soon settled into regular hours of feeding, as did the cattle. The gad-fly was the pest of cattle and horses; the stock fed from day-break until about 9 A. M., when they would start in a hurry for the home corral, where, if smudge fires were kindled, they would show their appreciation by getting into the smoke. Here, next to good milk, the settler caring for bees could have good honey; in fact, could produce nearly every necessity except flour.

Sheep fed from sunrise till 9 A. M., and from 4 P. M. till sunset, leaving me much time to examine the rocks and streams. The bed of the Little North Santiam was once a flowing river of mud, carrying rocks and trees of different kinds; trees becoming locked up in it and petrified. In one place where I often crossed, a whole tree, from roots to branches, was exposed by the wear and tear of the river. At another, what seemed to have been a young maple had petrified into a bluish stone and had broken by the undermining of the banks. It is today a fine field for a young geologist.

The timber, however, was my attraction; there were but few places near our camps which did not show the action of fire. Fire was the agency used by the Calapooia tribes to hold their camas grounds and renew their berry patches and grass-lands for game and the millions of geese, brants, cranes and swans which wintered in Western Oregon. To me it seems easily unbelievable by a person coming here now, to state the quantity of waterfowl, cranes, curlew and snipe which wintered on the grasses and roots of the damp lands of the valleys and the sloughs, ponds and streams sixty-four years ago. Large ground game, deer and occasionally elk, were not

plentiful on the plains. In and around the French settlement wolves, panthers, bears and coyotes were more plentiful than deer and the "multitude of hogs," which Sir George Simpson of the Hudson's Bay Company reported to Captain Wilkes in 1842, as products of the Canadian engagees of his company farming for wheat—15,000 bushels of which was used by his company as rental to the Russians for the Alaskan coast as fur-bearing country. Swine, which at first lived on the grasses, camas and oak mast, were the chief destroyers of the roots which were the chief foods of the natives, and small game decreased by the expanding and increasing of the American settlements.

On the west face of the Cascades the Molallas claimed dominion, and fire was their agency in improving the game range and berry crops. The Molalla, the Pudding River, Butte Creek, the Abiqua, Silver Creek and the Little North Santiam do not reach the true summit of the Cascade Range. The Clackamas, the main North Santiam, the McKenzie and the middle fork of the Willamette draw their sources from the west slopes of the true summits of the range, and are, therefore, the chief power and salmon streams, although all the streams are valuable. All along the west side of the Cascades to within four to six miles of the summit there are openings of coarse grass land on filled-up lake beds, commonly designated as "beaver dams." They are the result of checks to outflow by the dams which the beaver makes to hold the water around his house as a protection against carnivori. The muskrat is the most troublesome neighbor the beaver has, in that he digs his hole of refuge under the dam and frequently drains the lake or pond, partly at least, thus making the upper part of it ready for grass seed. Hence, the Wasco-pam Indians, before the missionary came, counted the muskrat the "maker of land." The tribe now called the Warm Springs Indians used the lake beds for hunting grounds and summer pastures for their ponies, and have, I understand, rights there by treaty. It is a land of lakes and mighty springs all along to within about ten miles of the summit on either side, with

this strong difference—the snows of winter flow off in surface streams westward, with a rush, under the influence of the southwest (Chinook) wind and warm rain, while on the east side it seems largely to sink out of sight near the summit, and comes to the surface 1,500 to 2,000 feet below, in springs clear as crystal and cold as ice water. There is no other river in Oregon as even in its flow between the seasons as the Des Chutes. It did not vary sixteen inches within a period of sixteen years, according to A. J. Tetherow, who kept a ferry and whose residence stood so near its general level that he must have noted its rise by inches. It is a great power stream. This mountain range is an immense health resort, and homes can, and I hope will, be built close up to the summit on each side—in some places at the summit.

On some of the largest lake beds the cover of peat settles as the dry season advances, forcing a continued outflow. Timber growing in peat formation does not reach marketable size; it grows slowly, as spruce does within two to four feet of tide level, but makes no sawlogs. I have seen healthy spruce trees with fifteen feet of clay soil under them, twelve feet in diameter, within pistol-shot of spruce on tide flats not fifteen inches in size, and dying.

## CHAPTER VII.

### SOIL-WASTAGE.

On the west side of the Cascades, fruit culture, bee keeping and dairying will go throughout the region in connection with forest farming—in my opinion a “forest homestead” of 320 acres, deeded on condition of keeping nine-tenths of it in growing timber and one-tenth of the area in orchard or other crops. All and always under national and State supervision. The beaver ought to be classed as a domestic animal, kept under or within a strong wire fence. Rights in private fish ponds ought to be provided for and their construction encouraged. Such ponds would be checks against the rapid run-off of streams, and ought to be as much the care of the State as

proper fish ladders over dams; and this point should extend to cultivated land, whether the surface is drained, under-drained or irrigated. This, from my experience as well as observation, is in the near future an absolute necessity for the private as well as for the public good; as the waste of wealth going on by washing out into rivers and down them to the main outlet of the Columbia is beyond computation, and even now demands the constant employment of constantly additional dredges.

What then may be expected when all possible irrigation systems are perfected between the mountains and the navigable rivers? My chance to personally observe this has been closer and more intimate than that of observing the snowfall and its melting on the higher mountains; though the latter has been extraordinary for a man supporting a family from a farm in almost the center of the great Willamette Valley. While I was taking my wife, and young children, to the mountains for her health, my connection with the Oregon Agricultural Society led to its electing me to the position of nominal editor of the "Willamette Farmer." D. W. Craig, foreman, was then owner of what is known in Salem as the "Island," a body of low alluvial land overlapping the city by six blocks then—as many more now. Mr. Craig had lost the supposed value of the property in a newspaper enterprise for which a mortgage was overdue; I purchased it from him, subject to the mortgage. The south arm of Mill Creek flows into the river near the north end of the Island, and across this outflow my sons ferried their teams, hauling sand and gravel as building material. When they began, in 1870, they could not touch bottom with push-poles much of the way across three hundred yards. On the south of their line is an area of about five acres, where the mill company then kept logs afloat all summer. Now that area and their line of ferriage one-third of the way is from twelve to eighteen inches above low water, and is grazed by cattle for three or four months of late summer and fall—the lodgment is fine silt. This represents not more than one-third, perhaps much less, of the



finest soil of Mill Creek bottoms which is carried into the main river and by that toward tide flow, to be contended with by costly dredging.

We must recognize that in the entire drainage of the great rivers of the West, thousands of such streams are not only bordered by plowed fields, but that irrigation water is forced through an annually increasing area of it. It will be seen that the prevention of waste by washing out the finer portion of the soil demands plans for the prevention of bleaching out, as well as means of flooding; and further reflection will perhaps lead to a truer cause of the great extents of Asia being now barren wastes than the cutting off of the timber, if there ever was any: viz., the continuous taking of crops without rest or return to the soil, and continuous bleaching out. One, if not more, of Israel's Prophets told them the time would come "When the land would enjoy her Sabbath," and it did. Just so has every irrigated country slowly become a waste; but it is not the lack of trees, as the valley of the lower Nile is an everlasting witness; for it gets the silt, the richness of the wash, from Abbyssinian highlands.

While the writer is well aware that with sufficient water at command, labor can insure crops without failure by irrigation, I think it will be found that not less than three times the labor will be required on a given area as compared with dry farming, and with some crops, as sugar beets, much more than that. Then under irrigation loss of fertility is going on by leaching the land as well as by feeding the growing crops.

## CHAPTER VIII.

### OUR MOUNTAINS VIEWED AS RESOURCES OF LIFE AS WELL AS OF HEALTH AND RECREATION.

In previous chapters I have tried to intimate how an average pair of Oregon home-builders, beginning with hands and hope only, progressed from extreme poverty to a condition of reasonable comfort and independence, when some ailment, never understood, nearly took the most valued life

of the family and compelled a resort to a higher altitude as a means of safety, which proved effective. We had passed the fourth summer in this way, and increasing numbers of ailing people were adopting the same means of cure or recreation, when two hunters of the region penetrated up the main north Santiam about to where the postoffice of Berry now is, in search of game range. They had passed the narrowest gorge through which the river cuts its way; the mountains seemed to lower and recede from the river somewhat, and the men began to think they had found the traditional pass to Eastern Oregon. One of the men had traced this tradition up to the writer, who had received it from J. M. Parrish, the missionary-blacksmith who had received it from the Molalla Indians while learning their language in order to be useful to them as a teacher. Information in regard to the pass used by the trappers and Hudson's Bay Company's traders I had heard Joseph Gervais himself tell to Henry Williamson while we were driven from his harvest field by a summer shower. The fine old hunter, trapper, trader, farmer, miller, sat by his roomy hearthstone and detailed to the young American home-seeker, Williamson, who had defied the rule or will of Chief Factor McLoughlin, how he had left his home in Quebec in his twentieth year and was on the Arkansas killing buffalo for the New Orleans market when he learned that Wilson G. Hunt was at St. Louis engaging men to go to Oregon; how he joined Hunt in 1811 and came to Oregon with him; how twenty years later he settled where he sat, as a farmer, and when his family was young, would after harvest take his family and cross the Cascades by way of the Santiam Valley, making one night's camp in the mountains, would trap and hunt till the rainy season was near; turn his skins and peltries over to a Hudson's Bay Company trader to be taken to Vancouver via the Dalles, and recross the mountains home again, only camping one night, and wait two weeks before going to Vancouver for his pay. I sat as a listener, just as I had the week previous sat on the porch of the Beers' house and heard Dr. White, sub-agent to the Oregon Indians for the United

States, detail to Mr. Beers his exploration trip which had taken him to the base of Mount Jefferson in search of that pass. Of course I talked of these hearings now, and Henry States, one of the hunters who thought they had discovered the old passway, sent for me, having a sprained ankle. I carried his statement to the board of county commissioners, simply saying that it seemed a matter of public interest to know if there was such a natural pass.

The result was an order of the county court to John Minto to take two men and make examinations and report findings. Mr. States, one of the hunters, was written to and responded promptly. He was commissioned to find the third man, and unfortunately found not so much a pass or gold hunter, as a camp hunter, for which other parties were to furnish the "grub." He was a man of great natural intelligence, who would rather tell a smart lie than the simple truth. We penetrated up the valley through about seventeen miles of narrow gorge, past where the two hunters had reached, to where Breighenbush makes in from the north; found John Breighenbush—a one-armed hunter and nothing else—there ahead of us, and named the beautiful affluent for him. We pushed on, following a large elk being chased by wolves. A wide space of sand and gravel in the river bed showed us where the chase began and guided us over what is now the site and station of Detroit, and on east, keeping the bank to about a mile beyond Idana. There we took the point of a ridge leading straight toward Mount Jefferson, as I afterward learned, and followed it an estimated five miles with steady, moderate rise; noting an occasional blazed tree. We seemed shut in by half-grown pine and fir timber, to which the clouds came very near. The big man began to talk camp. I noted a spot of light, and asking the others to wait, went to it and found myself on the brink of the ridge with a noisy stream at its base. There were patches of fern and bushes of upland willow and hazel around a half-grown fir tree, limbed down close to the ground. Halloing for my company to wait, I pulled myself up that tree. The valley below was

clear and the clouds were lifting from the ridge across it. I called to the men to come. Turning to the right from looking across the valley my eye was arrested by the rough country out of which Cave Creek flows from the south, as yet little known; turning to the left a large peak showed its base, then a sharp, rocky peak, and still turning eastward, as it soon proved, the ridge broke down and nothing could be seen through the gap; but still more directly east my eyes rested on a body of grass-land—the apparently level top of what some one unknown to me named Minto Mountain. It is sickening yet for me to remember standing in the top of that tree and taking the statements of the cowardly hulk who refused to trust himself up the tree, but would name every point I would describe with names unrepeatable, and claim he had passed over the grass country I was defining in going to visit the chief of the Warm Springs Indians from the Quartzville mining camp, where I had seen him as care-taker—the Thersites of any camp he was in. We returned, and I reported on the strength of Colonel Cooper's statements, an apparently low and easy pass. Citizens next spring petitioned for a road-view and Porter Jack, George S. Downing and John Minto were appointed to view and T. W. Davenport to survey a location for a wagon road up the North Santiam River to the summit of the Cascades. The survey was made and measured and properly recorded, eight-seven and one-half miles from the court house at Salem to the summit of Minto Pass—found by accident. Our philosophical surveyor said, the night after the work was finished: "Yes, in a small way such an accident as that by which Lewis and Clark found the Columbia River and the Davenports and many others found homes in the valley of the beautiful Willamette."

There was little reason, locally, for the early Oregon home-builder to explore the mountains. The discovery of gold in California gave many of the Columbia River men early graves—some wealth they prudently used—more added only working capital to aid their labor and add to their enjoyment. It was not until 1854 that a small party of men, Preston

Looney, M. J. Alphin, William Fulbright, John Walker and E. L. Massey penetrated into the range as far as Mount Jefferson without regard to traditional passes. They went in search of gold and the line of travel seems to have been eastward near the north border of subsequent discoveries to and onto Mount Jefferson; thence south, just west of the true summit, over a country of filled up lake beds, coarse, weedy grass-lands, and dry ridges, between which good timber is found, as a rule, only in the narrow, deep valleys.

Mr. Massey's descriptive powers do him credit. "Standing at the base of the rock that crowns Mount Jefferson," he says, "we had with us an excellent mariner's glass by which we had an excellent view of the Willamette Valley as well as that still more beautiful valley of the Des Chutes River, and a very extensive, great plain stretching at great length south of the head of the Des Chutes. South and west of Jefferson is seen at a glance a large body of flat country with many small lakes and prairies; and here, it is obvious, is the natural route, for the emigrant trail is plainly marked out." The outline doubtless is. Mr. Massey is here not to blame for the imperfection of his near view, in that looking from above he sees only dry tops of ridges and the lake beds; he does not see even the outline of the pass across the summit as well as I did from the tree-top eighteen years later, nor the number of lakes, in September, 1864, Hon. John Bryant counted from Red Butte, which stands on the summit three miles south of Mount Jefferson. Standing on this butte with seven other men, Mr. Bryant wrote in his journal: "From this butte we count sixteen lakes; twelve on the west side of the summit and four on the east." Yet Mr. Bryant did not see Marion Lake, within four miles of where he stood. The truth is, the surface on the east side of the summit is very dry; the water seems to sink away out of sight, leaving the surface dry and loose except two small lakes near together about 500 feet below the summit tree of the pass. The water sinks down to the level of the Des Chutes plain, 1,500 to 2,000 feet. The slope from the summit to the crystal Malolla being such light and fluffy soil

that a horse sinks hoof-deep in it. There are spots, however, on the east slopes where beautiful summer homes can and will be made, but not one-fourth of what can and will be made on and in the west side ridges and valleys. Over this country Massey's party went south on the level of the summit—he says fifty miles; I would say forty miles—and turning west, crossed the extreme northern drainage into the McKenzie via Fish and Clear lakes, and through a low gap without having seen or noted either Fish, Marion or Clear lakes, reaching the head springs of the north or canal branch of the South Santiam, after having very nearly half-circled the head drainage into the North Santiam, within which, before the Oregon & Eastern Railroad Company sent its surveyors in to the valley, the writer and others estimated there was room for 1,500 home-builders to find homes.

The Corvallis & Eastern Railroad was not the first named railroad in connection with the commercial use of the easy grade found. The man I have mentioned in connection with the grass country seen from the hill-top, with the aid of a ready tongue, secured the signature of influential citizens and covered the line of survey by incorporating the Astoria, Salem & Winnemucca Railroad Line. Thus, by filing papers at a cost of \$2.00, the outlay of the county was held in abeyance four years, waiting for some party to buy the corporation papers.

In 1878, residents near the mountains began a co-operative effort to open a wagon road or stock trail through the valley and pass. They appealed for help at the county seats of Linn and Marion—Albany and Salem. Only the latter responded. The capital named was \$5,000.00; over \$2,800 was taken in shares of \$10.00 each, in cash or labor at \$1.25 per day. The cash was largely paid for tools and food, and the mountain men did the work as no other men could. They cut out logs and brush twelve feet wide, over half way to the connection with the Willamette Valley and Cascade Mountains military road at Black Butte on the plain of the Des Chutes, eight miles west of Sisters Postoffice, and six feet (legal stock trail

width) the shorter and easier portion of the way. The expense account for labor and board of labor was \$1,865.00.

The law of Congress could not then be complied with as to points of entry into and departure from townships on this road, as the surveys were not then, and are not yet, closed across the range. The railroad and the Forest Service have received and are receiving the benefit of the surveys and labor expended, and it seems to me there is an equity neglected in this matter which I shall refer to later.

It was really an effort of altruism to open a free business road between the naturally diverse divisions of the State which the writer helped to make, as viewer and time-keeper, but which he very deliberately now advises for political reasons—the States of Oregon and Washington ought each to be divided by the summit of the Cascade Range. They are both being held up now and robbed under the ill-considered action of Congress and the ill-advised form of the most needful national reforestation of lands on the Atlantic side of the nation which have been overcut and should be replanted on carefully considered plans before the needs of the people for land and for fuel set at defiance a policy begun by breaking the compacts between the States of the Pacific Slope and the Nation. The Marion and Wasco stock and wagon trail was put through, as before said, by a largely altruistic effort, and as it got through, summer recreationists got to the summit with ease, and the foremost of these, the Hon. John B. Waldo, began to observe and note lower depressions and easier grades to the summit via the south or main branch of the Santiam. This was viewed, surveyed and marked at the summit, but measured two miles further to a connection with the Willamette Valley and Cascade Mountains military road near the summit. Here was found to be 500 feet lower than Minto Pass, but thirteen miles further in distance. The writer, believing this to be a practical railroad pass, and learning that the Corvallis & Eastern Railroad Company were seeking a crossing of the range, wrote to their office and indicated a guide. They found it as stated and began construction on

the summit—hauling out rails from Albany and putting them in place across the summit, so as to claim their pass. The line was constructed to a point five miles east of Detroit and a summer resort hotel erected and named Idana, and the right of way cut out and graded twelve miles further, with bridge timbers and ties in great numbers ready for distribution. From the summit westward nearly twenty miles of right of way was lined with workmen, many of whom had located claims expecting to make their homes there when the line was completed. The writer believes that \$1,000.00 more would have taken a wagon road from plain to plain, and \$1,000,000.00 more, the railroad. The working party who constructed the Marion and Wasco stock and wagon road, now spoken of as the Minto Trail, were as a party just such men as I had seen as pioneer settlers on and around Brady's Bend of the Alleghany River in Armstrong County, Pennsylvania, in 1841—just such as were leaving the Platte Purchase in Missouri in 1844 for Oregon and Texas. We started in early June, a company of eighteen workers, and our purveyor by contract hired a strong young woman, whose husband was one of the workers, to cook for us. She had a baby to care for, and wisely resigned at the end of the first month, and was succeeded by two sisters, fifteen and seventeen years of age, whose father was one of the foremost men of my party, and whose mother was the only frontiersman's wife who could take up any line of "the Hoosieroon." From her teaching, I presume, our cooks could on the slightest hint break out in lively song, and often dissipated gathering clouds of depression by making our campfire a social center and keeping our party as a whole much like a large family party. Indeed, they made myself the only exception, as representing the moneyed portion of the corporation at Salem, and before we reached the summit had composed a song in compliment to me when we should reach the summit. It so happened their poet got an opportunity to betray the plan, and having a poet's weakness he recited his composition, and I told him I should try hard to have one in reply. The "Road-Makers," or "Boys of Santi-



am," was outlined next day while I blazed the way. The last stanza gives my view of the party—reduced to twelve at the summit, and one resident of Eastern Oregon, who visited them the day they crossed the summit:

"When, in camp, for food or rest, this party did convene,  
The song, the story, or the jest, were not their only theme;

From game and range and public lands  
To the world's wants their talk expands.  
How Europe on our plows depends  
And to what shores our trade extends.  
Fair woman's beauty, man's good name,  
The statesman's wisdom, soldier's fame,  
The school, the pulpit, and the pen  
Passed in review before them then.

Such were the boys of Santiam, on mountain top or shady glen;  
Include our cooks, our party, then, were pretty girls and honest men."

It was a pleasant party, and no suffering was made manifest till the work was done. One man was suffering for tobacco, and started after breakfast, reaching home at Gates at 6 P. M., thus passing the range on foot in about eleven hours.

The men who did this labor and those who put up the money of course gave way to the railroad, and that got easily \$20,000.00 worth of work on the line covered by the rails between Mill City and Detroit, and the result is that both the railroad and the forest reserve are impediments in the way of opening the shortest and easiest passway yet known from Salem to Central Oregon.

## CHAPTER X.

### REFORESTATION v. FOREST RESERVATION.

I have thought since I first saw a forest policy alluded to that it was time many others beside myself were looking in the same direction, but naturally I took the British view of individual pride in woodland which leads land owners to plant every piece of waste or rough land to timber; and this adds greatly to the beauty of an English landscape. Even the sour and boggy lands of Scotland have been both beautified and enhanced in value. Pride in sylviculture was stimulated there, too, by the biting writings of Dr. Samuel Johnson

in regard to the prominence of unsightly crags in view wherever the traveler went. Dr. Johnson used a sharp pen in noting the neglect of tree-planting. This doubtless induced Sir Walter Scott to introduce tree-planting between the laird and his son in his "Heart of Midlothian"—"When ye hae naething else to do, Jock, ye can aye be steekin' in a tree, Jock; it'll be growin', Jock, while ye're sleepin'." It is common belief that Burns' poem, "Bruar Water," turned the Duke of Argyle to a timber-planting fad, which increased the returns from his lands. It is my settled belief that a spirit of civic pride can be raised in the United States that will induce every owner of 100 acres of land to maintain at least ten acres producing timber. There ought not to be a single quarter-section of forest land sold by the United States Government henceforth, except under a guarantee that 20 per cent of it shall be maintained for producing timber. Where a homestead is on land already best fitted for agriculture, the patent might leave it optionary about planting timber on that portion already clear of timber, but if we are half as near a timber famine as some are saying who ought to know, it is time to hold timber out of market until it will sell at prices commensurate with other crops; and this involves a relation of proportion between wheat land and wood land that has not yet been considered in the United States. If it is desired to prevent a wood famine, make the care of forest land creditable as a pursuit; let the forest farmer have at least his home market; stop Government agents from selling either trees or ties in competition with private citizens. That is the sure way of hastening a timber famine, because the man or men whose investments are in timbered land or whose income is from harvesting timber or from the manufacture of lumber, cannot long compete with Mr. Pinchot, with one hundred and fifty-five millions of acres of forest reserves to sell from. And to sell timber is not to reserve it.

I allude to this, first, because I have been for ten years in seeming accord with Mr. Pinchot as to the necessity of care of forest growth and of harvesting it without waste and to

guard it against fires. As I have told at the beginning of these papers, I almost began life observing the care with which British woodmen saved every part of a tree. When I arrived in America I could not help noticing the waste of timber to economize labor, even in cutting the stumps of an oak, left to be an obstruction to tillage many years, that in Britain would have paid for cutting and carting away the tree. With some kinds of wood destruction has been so unreflecting that black walnut stumps left in cultivated fields for many years sold for more than the land they stood in would sell for.

I lived a while in a neighborhood in Pennsylvania where the men associated themselves together to log off a body of land and float the timber down the Alleghany River for sale at Pittsburg. After getting their logs rafted they loaded the raft with hoop-poles—cooper stock—and sold them at Pittsburg. They averaged seven cents per day per man. On every little farm the timber and brushwood had been cut and largely burned, to get land to raise food on. The most sterile of New England lands, so won, had by 1776 produced the best crop of men known to modern history; but the war of the Revolution showed them two outlets for their energies better than to waste their labor to make bread from corn and rye: viz., emigration westward, and fisheries and trade by sea. The breaking with England's trade gave them a third, which serves well yet: manufacturing for the South and West, in which they have used no small amount of the best hardwood timber in the world, and have for fifty years been drawing on the Southern and Western States, and for the past fifteen, have been claiming an interest in the forested lands of the Pacific States.

Now the necessity for timber for manufacturing is such as to induce the investment of New England capital in Pacific Coast timber lands, and there is no reason to complain of that if they would transfer themselves or their descendants with their capital, and act in the honesty of good citizenship to attain the lands legally, without degrading poor and needy people here through hired cruisers and purchasing agents to

secure large bodies of timber lands and then evade paying taxes on it. I don't mean to say that New England men alone, or even in majority, are responsible for the timber-land frauds that have been made to carry the name of Oregon, through the columns of ten-cent monthlies, into obscure corners. But the fact of the rush to get timber land on the Pacific side was certainly largely brought about by men and magazines of the Atlantic seaboard States.

The American Forestry Association was the active agency in initiating the forest reserve policy. B. E. Fernow, Chief of the Bureau of Forestry of the Department of Agriculture, was the most active agent in creating the forest reservation that has reached an aggregation of 155,000,000 of acres; ample to furnish forest homes for one million families. In January, 1897, the membership roll of the American Forestry Association was 690; 78 of these were females; 371 were residents of New York, Massachusetts, Pennsylvania, New Jersey and the District of Columbia. This is not as against the purposes of the association, for I believed in it long before that date; nor is the number of woman members noted out of disrespect; it was to show where and by what class the overcut of timber was most noticed. But examination of the actors in bringing about the reservation policy proves that there was more care to have control of the natural forests of the newest States than to replant where there had been an overcut. And where most certainly the land can be reforested, a true economy would say loudly that it ought to be.

It is ten years now since a committee from the National Academy of Science was asked for by Hon. Hoke Smith, Secretary of the Interior, at the suggestion of B. E. Fernow, Chief Forester. The report of this committee was simply a few unproven assertions on the causes and effect of forests and the destructive effects of sheep-ranging in forests. The German system of forest management was recommended, even to the use of mounted soldiery. This was not consistent with the national land policy, and effort has been made ever since

to make the land policy and the forest policy to agree and both subserve the wants of coming generations.

President Roosevelt seems to perceive that what has yet been done is not sufficient to conserve the natural resources this already great country will soon have need of. He thinks, and says very forcibly, that continued production of forests is an essential condition of a continuance of the prosperity and progress of this nation. He says, truly I think: "The forest policy of any country must be an essential part of its land policy." He says again: "The \* \* \* primary object of the forest policy, as well as the land policy of the United States, is the making of prosperous homes." Again he says: "You can start a prosperous home by destroying the forests, but you cannot keep it prosperous that way." The President is talking to a society of American foresters as though he expects them to impress the wisdom of the present policy upon the people of the mountain States.

In the hope and the belief that it can be done, the writer is going to submit a plan by which it can be done, and be made by the people who have homes in the forest and make forestry the chief source of their prosperity: viz., give or sell the land for forest production. Say 160 or 320 acres is patented under the condition that one-tenth, sixteen or thirty-two acres of land, may be cleared for other crops than timber. The timber farmer guards and harvests and improves the product. As very much of the forests contain open land, that may be passed for family use, for which it is most suitable. Or, if it is deemed no longer good public policy to *give a homestead of timbered land, sell the land to be kept in forest, and then invest the purchase price, less the five per cent promised the State upon its admission to the Union, in reforesting overcut and abandoned lands on the Atlantic or Appalachian States.*

Judging by the way men have risked reputation and money to attain timbered land unlawfully in the recent past, and to hold lands given as aid to railroad building, in contravention

of the conditions of the gift, there will be no lack of bidders for timber lands, and no lack of care in their management.

The ten years' experience in the introduction of a body of specialists as trained foresters to utilize and care for the public forested lands has not as yet borne fruits of demonstration that the people want a class of teachers in the management of forest property. What has been done by Congress to meet the change of conditions demanding the care of instead of the destruction of timber has been done with disregard to the relations of the nation to the mountain States; a ruthlessness toward the poor and the ignorant of the frontier people which has resulted in some plainly written signs that might cause a judicious statesman to hesitate before filling the forested public lands that have been utterly uncared for for a hundred years with human hounds, and treating men whose fathers were paid by liberal gifts of land for coming and ordaining law and maintaining order in Oregon, as though they were the lowest of the human race. Mr. Pinchot, whose zeal and skill in organization cannot be questioned, has acknowledged that mistakes have been made. That is true; and the gain of Canada of more than 250,000 of the home-building class of American citizens outside of cities and suburban additions, bears witness to the fact that what I claim is true: that the effort to found a forest policy, which was much needed ten years ago, was started where it was, and is, yet least needed. Canada has gained one million population from the United States, her publicists think, since Great Britain gave her more liberty over her own development. It is not asserted here that her imitation of the homestead policy of the United States in Manitoba and Alberta has been the sole cause of the partial arrest of development on our side of the line since the proclamation of forest reserves began, and the wheat lands of Canada are very far from receiving all we have lost since we gave the forester power to annoy and contradict United States Senators, and sell forest products in competition with private citizens. British Columbia forests have been receiving both capital and labor

from our side of the line, and men who had lived long enough near the center of the Cascade forest reserve, are now permanent residents of the Yukon Valley.

In the spring of 1907 the United States Forester sold stumpage off land in California near the Oregon line at \$2.00 per M. The mills in Marion County had to get stumpage much cheaper to compete in the San Francisco market with those on the McLeod River, 350 miles nearer. It is understood that this year the Forester is selling lodge-pole pine railroad ties. The reports, however, have not yet come to hand. The report of the cut in Wyoming for the year ending June 30, 1907, was 233,000,000 feet, board measure, valued at \$644,202.26.

Oregon's account of the same date is 28,643,589 feet, board measure, sold at \$48,526.50; but the Forester's accounts are of range rentals as well as lumber sold, for the latest of which I am under obligation to Hon. F. W. Benson, Secretary of State for Oregon, as will be seen from the following letter:

	STATE OF OREGON,
Hon. John Minto,	SALEM, May 29, 1908.
Salem, Oregon.	

Dear Sir:—Responding to your request of the 26th, to be advised of the amounts received from the National Government from five per centum of the sales of public lands and also ten per centum of the amounts received from sales of forest reserve timber, and rentals, etc., have to advise you as follows:

On account of five per centum of the proceeds of the sales of public lands:

1899.....	\$ 1,475.84
1900.....	4,404.06
1901.....	11,763.45
1902.....	15,113.55
1903.....	23,365.90
1904.....	90,135.24
1905.....	64,562.24
1906.....	28,212.37
1907.....	22,489.56
1908.....	74,011.17
	<hr/>
	\$335,533.38

On account of ten per centum of the proceeds of the sales of timber, forest reserve rentals, etc.:

1906.....	\$ 7,585.96
1907.....	13,980.89
	<hr/>
	\$ 21,566.85

I trust you may find the information has been furnished in the form desired and that it may suffice for your purposes.

Very respectfully,

F. W. BENSON,  
Secretary of State.

These figures show for land sold a remarkable increase from 1899 to 1908 inclusive. The ten years aggregate \$335,533.38, an annual average of \$33,553.34 coming onto the permanent tax-paying list of the State greatly adds to their value.

The Forester returns as the income of the ten per centum of forest resources sold, timber sold, and range rentals, an average of \$10,733.19 per annum, and little if any tax list; the Nation receiving 90 per cent of the income from this vast store of timber which, when sold, comes in competition with the business interests of the country.

In regard to these sales, I note the Forester's statement of increased sales of timber between June 30, 1906, from Oregon, to the value of \$710.85 and to June 30, 1907, increase to \$48,526.00, together with the statement: "The use of timber resources of the National Forests was encouraged throughout the year. Three times as much timber was sold as in 1906, the aggregate being \$2,532,275.60."

I understand that the Secretary of the Interior, while the forests were in his control, held that he had no right to sell timber from the public domain, and Mr. Pinchot asked the Attorney-General's opinion on his right to sell forest resources, which was favorable, and he is acting on that. This raises the question in the mind of every private owner of timber land of, "How do I stand under this party of protection?" With a domain of one hundred and fifty-five million



acres not his own, at market prices he can make, and eighty millions of consumers, he can quadruple his output every year. In competition with this power, where is the inducement toward a civic pride in this noble field of production?

No, this is not the form an American Forestry System should take.

## CONTESTS OVER THE CAPITAL OF OREGON.

By WALTER C. WINSLOW.

On May 2, 1843, at the call of the committee appointed at the "Wolf Meeting," the inhabitants of Willamette Settlement met at Champoege for the purpose of taking steps to organize themselves into a civic community, and to provide themselves with the protection secured by the enforcement of law and order. At this meeting the decision was for organization and a committee was appointed to draw up laws suitable for a provisional government and report at a meeting of the people to be held at Champoege July 5, 1843.

Pursuant to order, the people assembled July 5th to hear the report of the committee. The report, which became the first organic law of Oregon, was adopted, and a provisional government was formed.

The first legislative assembly of the Provisional Government met at Oregon City (then called Willamette Falls) in 1844. The first clause of the journal of their meeting states that they met pursuant to the organic law, but there is no provision in this law regarding their place of meeting; further, no part of the journal of the meeting, when the organic law was adopted, makes provision for a meeting place. All that is left is the fact taken from the journals of the legislative assembly, that the seat of the Provisional Government was established at Oregon City. On December 19, 1845, a bill was passed, specifying that the assembly should meet at Oregon City until otherwise directed. The journals show that the capital remained there until 1849.

The Territory of Oregon was established by act of Congress, passed August 14, 1848. This act provided that the legislative assembly of the Territory of Oregon should hold its first session at such time and place in said Territory as the Governor thereof shall appoint and direct; and at said first session, or

as soon thereafter as they shall deem expedient, the legislative assembly shall proceed to locate and establish the seat of government for said Territory at such place as they may deem eligible, which place, however, shall thereafter be subject to be changed by said legislative assembly. (Sec. 15 of act of Congress establishing Territorial Government.)

According to the act, Governor Lane named Oregon City as the first meeting place of the territorial legislature, and in pursuance of his proclamation, the first legislature of the Territory of Oregon met at the above named place July 16, 1849. At this session a bill was introduced by Mr. Buck, Senator from Clackamas County, to locate the seat of government. The bill did not carry and the journal does not show what place it intended for the territorial capital. No final action being taken at this session regarding the location of the seat of government, the second session met at Oregon City, pursuant to act of Congress and proclamation of the Governor. During this session, however, a bill was passed locating the seat of the Territorial Government at Salem, where it remained until 1855.

This act not only located the capital at Salem, but also located the penitentiary at Portland and the university at Corvallis. The Governor, who believed that he should have been consulted regarding the location of these territorial institutions, claimed that the act was unconstitutional. He based his contention on the ground that the act dealt with more than one specific object, which, according to the act of Congress establishing a territorial government (this provided that no law should embrace more than one object and that should be expressed in the title) was unlawful. The case was taken before the Territorial Supreme Court, which sustained the Governor's contention, claiming that the law did contain a multiplicity of objects, and was, therefore, unconstitutional. This opinion was concurred in by Messrs. Justice Nelson and Strong, while Mr. Justice Pratt dissented, claiming that the act did not contain more than one subject. The people generally believed that Pratt was right, and when the time ar-

rived for the next session of the legislature it found a large majority of both houses and one Justice of the Supreme Court sitting at Salem, with the rest of the supreme bench, the Governor and his appointees sitting at Oregon City.

The situation was a difficult one, and it was not relieved until on May 4, 1852, Congress settled the matter by confirming the "location" act and went on to declare that all proceedings had under it were done in conformity to law.

Thus the matter was settled and the third session of the territorial legislature, which had met at Salem pursuant to their own action, was relieved of the matter for the time being.

The territorial capital once being located, the next question was that of a building. Some money having already been appropriated by Congress for that purpose, a building committee was provided for, and the building began in 1854. According to the first plans, the building was to be a stone structure of Ionic style. After the foundation had been laid, the legislature became concerned that there would not be enough money to finish the building according to the original plans, so they changed the specifications from stone to wood, and from Ionic to Grecian-Doric style.

In 1855, at the sixth session of the territorial legislature, an act was passed relocating the seat of government at Corvallis, and also providing for a new building commission to erect suitable buildings at the newly chosen place. This was done, in spite of the fact that the new State House building at Salem was almost completed. The only argument advanced for the change was that Corvallis was at the head of navigation on the Willamette and was probably nearest the center of population of the territory.

The seventh session met at Corvallis, pursuant to law. About this time the officers of the United States Treasury Department ruled that no money appropriated by Congress for building at Salem could be expended elsewhere, nor could money appropriated for the mileage and pay of members, officers and clerks be paid them if a session should be held elsewhere than at Salem. This caused consternation among

the members of the legislature, and on the 12th of December, 1855, an act was passed relocating the seat of government at Salem. On the same day a resolution was passed calling for a recess of four days, at the expiration of which time the legislature should convene at Salem. In the discussion on the relocation act, Mr. Tichenor said: "Let us go where the property of the Territory is. Let us clew-up, tack-ship, and steer for Salem. The facts are to my mind most conclusive, that it was nothing but corruption that caused it to be removed here in the first place. It has been removed by the tickle-me-and-I'll-tickle-you game." This is simply quoted to give a possible, at least one man's, reason for the removal from Salem to Corvallis.

In accordance with the act and resolution, the legislative assembly met at Salem on December 17th to resume the work of the seventh annual session. Two rooms having been especially fitted up for the purpose, they met in the new State House. After a few days' session, they adjourned for the holidays, and during the recess, on the night of the 29th of December, 1855, the new State House building, which was nearly completed, with the library and most of the public records, was burned to the ground.

As soon as the legislature assembled, a committee was appointed to investigate the matter. This committee entirely exonerated the watchman and gave as their opinion that the fire had been set by some mischievous hand.

The people throughout the Territory seemed to accredit the disaster to a strong feeling in Corvallis, that with this building at Salem, which was largely the cause of the ruling of the Treasury Department, and the people eager to be economical, Corvallis would stand little chance in the race for the permanent location of the seat of government. However, this is merely an opinion, influenced by the newspaper reports of the fire.

Before the end of the seventh session, a bill was passed submitting the question of the permanent location of the capital to the people. The act provided that the vote should be taken at the next regular election, and that no place should be chosen

unless it should receive a majority of all the votes cast. In accordance with this act, the question was submitted to the people at the June election, and the vote was as follows: Salem, 2,049; Portland, 1,154; Corvallis, 1,998; Eugene, 2,316. Thus there was no election. The law which provided for this election further provided that if no place should receive a majority of all votes cast, those receiving the two highest number of votes should be voted upon at a special election. At this special election, the people refused to vote on the question, being tired of the matter, according to the Salem Statesman. No records of the returns of the election can be found either in newspaper reports or on public record. It is believed that, and some authority can be found for the statement, from the memory of the early pioneers who are still living, this is the time that Fola, then Cincinnati, came nearly being chosen for the seat of government.

Thus, after so much trouble and expense, the question as to where the seat of government should be permanently located was still an open question. Temporarily Salem had won.

During the eighth session of the legislature, a bill was introduced in the house by Mr. Allen, to remove the seat of government from Salem to Portland, but this bill was lost. In the council, Mr. Bagley introduced a bill to resubmit the question to the people; this met the fate of the house bill. During the ninth session nothing was done regarding the matter, but the tenth session was almost taken up by discussion on relocation bills. The house passed a bill to relocate from Salem to Portland, and to submit the relocation to the people. While the bill was pending before the house, an amendment was offered, proposing to strike out Portland and insert in lieu thereof Eugene. The amendment was lost. When the measure came before the council, an amendment was proposed to change the time of the election from the regular election to the first Monday in October, following. This amendment, along with some others, was passed, and the bill, as amended, was passed in the council. When these amendments came up before the house for consideration a fight ensued, and a joint committee was appointed to bring the two

houses together upon the amendments. The report of the committee was that the council should recede, but this report was not adopted in the council. As a result thereof, the bill did not become a law, and the question still remained unsettled.

According to the State Constitution, which went into effect upon Oregon's admission into the Union, the legislature did not have power to locate the seat of government, but at its first regular session after the adoption of the Constitution it was to provide by law for the submission to electors of the State at the next regular election thereafter the matter of the selection of a place for a permanent seat of government; and no place should ever be the seat of government under such law which should not receive a majority of all the votes cast on the matter of such election. The Constitution further provided that when once located, the seat of government should not be changed for a period of twenty years. (Art. 14, Sec. 1, Oregon Constitution.)

At the first extra session of the State legislature, held in May, 1859, a bill was proposed to put the matter before the people, but this bill was lost.

Pursuant to the Constitution, the first regular session, which met September 18, 1860, acted upon the matter November 19th. By this act, the location of the seat of government was to be submitted to the public vote at the next general election in June 1862, "and every general election thereafter," until some one point should receive a majority of all votes cast upon the question.

At the election in June, 1862, owing to the fact that nearly every town in the State received a few votes, there was no election. But at the election in 1864, Salem received 6,108 votes; Portland, 3,864; Eugene, 1,588; and all other places 577 votes. Salem received 57 majority of the whole vote cast, whereupon Salem was duly declared "the permanent seat of government."

Thus, after a struggle which lasted for nearly fifteen years, the question was settled. The account of the erection of the Capitol is a story complete in itself, and will not be touched upon here.

## MRS. JESSE APPEGATE.

By MRS. S. A. LONG.

Cynthia Ann Parker was born on the Cumberland River in Northeastern Tennessee on the 15th day of August, 1813. Her father, Jeremiah Parker, was a native of a Northern State and was a flatboatman on the Mississippi River. This was before the days steam. And what were called flatboats were built something like a scow, loaded with produce and floated down the river to a market, usually New Orleans, where the freight was sold and the boat also; which last was usually broken up for the lumber used in its construction. This was Jeremiah Parker's business. His wife was Dutch; her name Sallie Ann Yauhnt. Her parents had emigrated from Holland in her youth. She was the mother of five children. Cynthia Ann was the only girl and was the fourth child. The mother died when Cynthia was seven and her younger brother was five years old. The father took the three older boys onto the boat with him and gave the two younger children to their mother's brother, John Yauhnt, in Missouri. There were few chances for education in those days, and the children received very little. Cynthia learned to spin and weave as well as other house work. And as she grew older found employment in the families of neighbors where she earned her food and clothes.

She did much work for a Mrs. English, who befriended her and to whom she became much attached. At this friend's house she met one evening at a log-rolling bee a young surveyor, Jesse Applegate, and three months later became his wife. They were married on the 13th of March, 1831. She was not yet eighteen nor he twenty years of age. The first year of their married life was passed in St. Louis, where he clerked in the Surveyor-General's office and where their first child was born. Later he took up land in St. Clair County, Missouri, on the banks of the Osage River, and she camped there



with him and helped him to build the log house where the first happy twelve years of their married life were spent. Those were prosperous and happy years. Her younger brother shared her home much of the time. She received occasional visits from her older ones. In after years she often spoke regretfully of the Osage home, of their kind neighbors, of the beautiful forest full of wild fruits and berries, of wild game, and of the great river with its plenty of fish. Here were born five of their children; here was their first sorrow, the death of one little child, who was remembered and mourned till life's latest day—"Poor little Milburn," she often said.

In 1843 came the journey to Oregon. Her younger brother, William G. Parker, accompanied them. She never saw any of her other relatives afterwards. The journey across the plains was full of novelty and incident, the event of a lifetime. There was enough of change and adventure to make each day interesting and pleasant. But with the arrival in Oregon came sorrow and privation. The great River of the West became the grave of another child, her oldest son, Edward—a fine, manly boy of ten years of age. They found themselves surrounded by a strange and not always friendly people, by a new and different country, whose forests, fruits and game were unlike anything they had known. What had been common comforts in the Osage home became luxuries in this; the roasted possum, fat catfish, and sweet potatoes, were things of the past, as well as the wild grapes, plums, paw-paws, persimmons, and nuts, of the Osage forest. Wheaten flour, and sometimes only boiled wheat, wild black berries, strawberries and bitter crab-apple were their substitute; but the unerring rifle brought much wild game to the frontier home. The flesh of elk and deer, grouse, pheasant, wild ducks and geese, the royal salmon and the speckled trout, bear steak, roasted squirrels, pot pies of wild pigeons. She was a great cook of meats, loved to try experiments in that line. Also she made great crocks of preserves of the wild fruits that were obtainable, black berries, crab-apples, strawberries and even the little gooseberries. And the product of her dairy

added to the bill of fare, for she was an expert butter and cheese maker.

For a number of years after gold was discovered in Southern Oregon and California, Mrs. Applegate sold butter and cheese to the miners and received many dollars in return. The amount of labor accomplished by the pioneer mothers is a lasting reproach to their idle and incompetent descendants. Mrs. Applegate made all the every-day clothing for her husband and sons: coats, shirts, pants, underclothing, socks—spinning the yarn for these last. Made all the clothing of herself and daughters. And for many years did the work by hand. Sometime in the fifties a cook-stove and a sewing machine were brought into the house, greatly lightening her labor. Besides the sewing and cooking, milking and tending the milk, she found time for some work in the garden tending some special plants. She had besides a little flower garden where were planted some old time favorites: Hollyhocks, Sweet William, and Sweet Peas, Wall Flowers, Pinks and Bean Catchers. How carefully she guarded the first rose bush—a slip of the pungent old Mission rose, always a favorite with her. She brought with her from Missouri a little pinch of seeds that were raised first “in old Kentuck where the meadow grass is blue.” This little pinch of seed was carefully planted and watched and the first little yellow heads of seed gathered as if they were gold. Now there are patches of Kentucky blue grass scattered all over Yoncalla Valley, the offspring, I candidly believe, of that little pinch of seeds.

The Applegates moved to Umpqua in 1849. Yoncalla Valley was a wilderness, only the Cowan’s lived in it. And the Scott’s in the valley adjoining. There was an old Hudson’s Bay Company station at the mouth of Elk Creek called Ft. Umpqua. Some apple trees had been planted there and the first apples the writer of this ever tasted were plucked from these trees and sent as a present to Mrs. Applegate by the agent at the fort, an old Canadian, Old Garnier. Never in the forty years since then have apples tasted so good. The

forbidden fruit plucked by our mother Eve in Paradise must have been of that variety.

In the early fifties there was a Hudson's Bay Company shipping point at the mouth of the Umpqua accessible from the interior by mule trails through the Coast Mountains. And soon a little town was started, called Scottsburg, in honor of its founder, Captain Levi Scott, a brave and honorable Ohioan who, with his sons John and William, settled first in Scott's Valley, which still bears their name. Scottsburg at the mouth of the Umpqua, or rather at the head of navigation on the Umpqua, was the point where settlers of the southern part of the State and miners of Southern Oregon obtained their supplies to a great extent; these were carried on pack-trains for some years, but a wagon road was finally built down the Umpqua and later down the Elk River also. During the days of the pack-trains Mrs. Applegate made and sold much butter and cheese, securing high prices for her handiwork, for this was in

"The days of old, the days of gold,  
The days of forty-nine."

Mr. Applegate clerked for Allen & McKinley at Scottsburg for some years. He was also frequently away from home for months at a time following his vocation of surveying. His was the honor of establishing what is known as the Military Road across the Cascade Range by way of Diamond Peak. On this surveying expedition he accompanied, as surveyor and guide, Major Benjamin Alvord, who with a company of soldiers established that route. During all these absences Mrs. Applegate conducted the affairs of the farm, her administration of them was never questioned or objected to. During the fifties a sewing machine, melodeon, and large library were brought into the house. Music, books, newspapers, were the amusements of the family—sometimes a little social gathering of the neighbor children.

Mrs. Applegate had received no education and never attempted to read anything other than the large print of her

Testament, with which she was familiar from Matthew to Revelation. But she was not by any means an ignorant woman. Her husband had adopted the habit of reading aloud to her in their early married life. This habit he kept up as long as she lived. Of evenings, when the day's work was done and the fires were lighted on the hearth in the winter, or of Sundays and leisure hours of summer, he would read the current news of the day—politics, congressional proceedings, and general news, as well as books of travel, historical works, novels and poetry. She listened with appreciation and interest and forgot nothing of what she heard. She liked best historical subjects and books of travel and historical novels. Her husband shared with her also his letter correspondence, which was extensive, reading to her the letters sent as well as those received.

She taught her children, first, virtue, next honesty. No lessons in acquisitiveness were ever taught by either parent. She was a member of the Christian Church, which she considered nearest the Savior's lessons of any, but she was not a bigot and attended the services of other churches and made their ministers welcome at her house, from the Archbishop of the Church of Rome to the humble followers of John Wesley. Archbishop Blanchet once celebrated high mass in her house, surrounded by all our Catholic neighbors, and I think she felt it a great honor.

Mrs. Applegate was the mother of thirteen children, nine of whom have descendants. At the present time, March, 1902, five of her children are yet living, forty-four grand-children, forty-five great-grand-children, and two great-great-grand-children, making a total of ninety-one descendants. She died on the first day of June, 1881, in the little home on the side of Mount Yoncalla where her last years were spent.

## NOTES AND NEWS.

### THE PATRIOTIC ACHIEVEMENT OF EZRA MEEKER.\*

Mr. Meeker is fully entitled to the recognition of being the Ulysses among the Oregon pioneers. Admirably and heroically did he execute his trip back along the Oregon Trail and to New York City and Washington in the interest of the national recognition of the historic importance of the migration of the Oregon pioneers. To have simply retraced the two-thousand-mile stretch of those westward marches across the plains with his ox-team and old-time "prairie schooner," or Conestoga Wagon, would alone have sufficed to arouse the deep interest of those susceptible to historical suggestion. But Mr. Meeker's purpose and plans contemplated a far more strenuous undertaking. Nor did he desist until at every population center on the route a durable monument was set up or a movement for one fully organized. Memorial exercises were held at the unveilings. The curiosity of thousands of school children was aroused in this as yet not fairly appreciated epoch of our national history and their active participation in commemorating its importance was elicited. The sublime and patriotic audacity with which Mr. Meeker's achievement was conceived was only equalled by the grim and heroic determination with which it was carried out to complete consummation.

Think of the quaint but most impressive procession made by this patriarchal figure and equipage down Broadway, of his review of the tens of thousands before the Sub-Treasury building in the heart of America's metropolis, and of his reception by the President in Washington at the steps of the White House--all for the noblest purpose of securing a due recognition of the services of those who won for this nation

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\*EZRA MEEKER. *The Ox Team or the Old Oregon Trail, 1852-1906.* (Fourth Edition.) New York: Published by the Author.

dimensions four-square to the world. He was but exhibiting—uncouth as the outfit might have seemed to the over-fastidious—the ark in which was borne the scions for a nation of largest destiny.

Nothing could have been more fitting and fortunate than this transcontinental memorial trip by a veteran of the culminating migration, still possessed of the vigor of his prime and an adept in handling the truly symbolic ox-team and prairie schooner. So, single-handed and alone, Ezra Meeker appealed to the historic sense of the American people, to their sense of obligation to the memory of the intrepid Oregon pioneers, as could have been done in no other way.

It is but fair that Mr. Meeker should express in his own words his conception of the mission he undertook and triumphantly carried out. I quote chapter six of his account:

“THE OX PASSING.

“The ox is passing; in fact we may almost say has passed. Like the old-time spinning-wheel and the hand loom, that are only to be seen as mementos of the past; or the quaint old cobbler’s bench with its hand-made lasts and shoe pegs; or the heavy iron bubbling mush pot on the crane in the chimney corner; like the fast vanishing of the old-time men and women of fifty years or more ago—all are passing to be laid aside for the new ways and the new actors on the scenes of life. While these ways and these scenes and these actors have had their day, yet their experiences and lessons taught are not lost to the world although at times almost forgotten.

“The differences between a civilized and an uncivilized people lies in the application of these experiences; while the one builds upon the foundations of the past, which engenders hope and ambition for the future, the other has no past nor aspirations for the future. As reverence for the past dies out in the breasts of a generation, so likewise patriotism wanes. In the measure that the love of the history of the past dies, so likewise do the higher aspirations for the future. To keep the flame of patriotism alive we have only to keep the memory of the past vividly in mind.

## "THE BATTLE OF PEACE.

"Bearing these thoughts in mind, this expedition to perpetuate the memory of the old Oregon Trail was undertaken. And there was this further thought, that here was this class of heroic men and women who fought a veritable battle—a battle of peace to be sure, yet as brave a battle as any by those that faced the cannon's mouth; a battle that was fraught with as momentous results as any of the great battles of grim war; a battle that wrested half a continent from the native race and from a mighty nation contending for mastery in the unknown regions of the West, whose fame [that of the Oregon Trail] was scantily acknowledged and whose name was already almost forgotten, and whose track, the battle ground of peace, was on the verge of impending oblivion. Shall this become an accomplished fact? The answer to this is this expedition, to perpetuate the memory of the old Oregon Trail, and to honor the intrepid pioneers who made it and saved this great region, the old Oregon Country, for American rule.

"The ox team did it. Had it not been for the patient ox with the wagon train, the preponderance of an American settlement in the old Oregon Country over that of the British could not have so certainly prevailed; and in fact uncertainty hovered over the land with the results hanging in the balance until the first wagon train reached the region of contending forces."

Mr. Meeker in this achievement was doing a service not merely to the memory of the Oregon pioneer but also to the American people at large. For this historic highway is an exponent of the pre-emption of a continent by Anglo-Saxon energy. The migrations over it represent the highest daring of Anglo-Saxon restlessness. It was the scene of the greatest single achievement to which the race was impelled through its superlative measure of self-reliance and faith in the unknown. It was the great arch that had to be projected to the Pacific Coast that the territory of this people might lie four-square to the rest of the world and that it might have the choicest arena for the exhibition of its race genius. When finally the East and the West have assumed their normal relative proportions and the factors determining our national destiny have been clearly recognized, the meed of honor

due to those who set forth on the Oregon migrations will be fully awarded. Mr. Meeker through his great patriotic achievement and his worthy record of incidents connected with it is grandly hastening the day of full appreciation.

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KATE C. MCBETH. *The Nez Perces Indians Since Lewis and Clark*. Pp. 272. Price, \$1.50. Fleming H. Revell Company, 1908.

Six churches among the Nez Perces, two among the Spokanes, one among the Umatillas, one among the Shoshones of Southern Idaho, and one among the Shivits of Utah represent the direct present outcome of the missionary labors among the Indians led by Dr. Marcus Whitman and Rev. H. H. Spalding. However, Mrs. Eliza Spalding and the two McBeth sisters, Miss Sue L. and Miss Kate C., are to be credited with a large share of the permanent results. It is exceedingly fortunate that we have this familiar and first-hand record of this most notable Protestant missionary work among Western Indians. Miss McBeth's account furnishes a faithful picture of the difficulties, trials and victories experienced by the devoted missionaries in their efforts to christianize the Nez Perces. As the record is compiled by a more recent missionary the later phases are depicted with more detail and reliability than those the reports of which were handed down largely in the form of tradition. Miss McBeth's sketch, however, is throughout absolutely candid. It portrays in detail the real life conditions of this noble representative of the native races. Their struggle to adapt themselves in the trying transition from barbarism to civilization appeals to our sympathies. The abiding faith of the missionaries in the all-sufficing efficacy of the gospel coupled with a broad-minded wisdom elicits our admiration. The book is a genuine record of devoted missionary effort that rang true at every stage and which was crowned with a large measure of the rewards



sought. An appendix gives the most important Nez Perces myths.

It is to be noted that the elder Miss McBeth compiled a dictionary of the Nez Perces language during the years of her life among them. This was turned over to the Smithsonian Institution.





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of the  
Oregon Historical Society.

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SLAVERY QUESTION IN OREGON.

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RECOLLECTIONS AND REFLECTIONS OF A HISTORICAL NATURE,  
HAVING SPECIAL RELATION TO THE SLAVERY AGITATION IN  
THE OREGON TERRITORY AND INCLUDING THE POLITICAL  
STATUS UP TO THE BEGINNING OF SECESSION IN 1861.

By T. W. DAVENPORT.

PREFATORY REMARKS.

In response to a suggestion by Professor H. S. Lyman, made several years ago, that I would write an account of the slavery agitation, preceding the vote upon the Constitution, I began this article without any design of writing what might properly be called history, for, not possessing a library sufficiently supplied with data, and not living near the sources of such information, I saw the impracticability of giving more than a rather disjointed and rambling sketch of the leading persons and incidents of that decisive, but, to most people, unimportant period. Mr. Lyman judged, from the fact that I was one of the participants in the so-called agitation and very interested in it, that my knowledge would enable me to write instructively upon the subject, and thus preserve some facts fast passing into oblivion. But facts are not of full value without correlation and an exhibit of the motive which produced them. A homicide may be startling, but the chief interest and instruction relating thereto lies in the answer to

the question, why and how it came to be? In this respect the Bancroft History of Oregon seems to be quite deficient. The facts are there in abundance, but the philosophical concatenation, without which history is comparatively barren, is still to be supplied. I am aware of the contention, by some, that it is no part of the historian's duty to indulge in philosophical disquisition, but to give the plain unvarnished facts, leaving the reader to construct the theory for himself—a task the average reader seldom attempts to perform. Even a false theory is better than none at all, for it stimulates to inquiry and involves the reader in meshes perhaps disquieting to his state of mind, and from which, if wrong, he needs must extricate himself.

The writer freely admits that there is more about slavery in the following pages than is at present fashionable, but if there is to be a lesson in them, the side-lights of the situation at that time must also be given. And he feels sure that, properly understood, the short, peaceable, and comparatively uneventful period in which the Oregon pioneers were deliberating under aegis of squatter sovereignty furnishes a first-class balance in which to weigh them, and also to estimate the character and influence of their social and political environment. One friend, permitted to scan some of these pages, was inclined to doubt the propriety of "threshing over the old straw" and reviving a subject that is really obsolete; that slavery is dead past resurrection, the rebellion an old "chestnut," the aforetime rebels in their graves, their children happy in the general and equal fraternity, and the race question left for solution by the Southern people, who are most competent to deal with it. He might have added another fact, viz., that Northern magnanimity is so abundant that the whole vocabulary, once applicable, is undergoing amelioration, whereby the contestants in the fierce and bloody conflict are put upon equal terms, ethically, and that, at the rate the forgiving and forgetting spirit is now growing, the time is not far ahead when there will be no admissible causative reason for the great combat but the expediency of a

dissolution of the Federal Union. The battles will be studied, as Bonaparte's are, merely in the light of military science. They will have no vivifying soul, and even Lincoln's immortal apostrophe at Gettysburg may not save them.

Of course, there is no propriety in using harsh epithets concerning the causes or combatants, for such are prejudicial to philosophic inquiry, indeed, foreign to the judicial mind fitted for fair investigation, but the late endeavors to white-wash the offensive institution of slavery, or to slur over its poisonous influence upon the Southern people and its corrupting power over American government and politics, is an aberration of intellect which even philanthropy ought not to sanction. As in slavery days, the forgetters are directing their extra-fraternal services against Uncle Tom's Cabin. In the language of Woodrow Wilson, it "is not a truthful picture of slavery." Such good people seem not to have entered into the serene spirit which views the barbarisms practiced down South, not as an indictment of the Southern people, but as a sample of the degradation to which such a denial of human rights could bring a people as good by nature as ourselves.

Can it be possible that any considerable number of the American people are so short-sighted as not to see that chattel slavery was only one phase or outcropping of unrestrained human selfishness and rapacity, and that though the chattels are liberated, the spirit remains? The sphere of its opportunities is restricted, but it is still rampant and fierce, almost untamable, North, South, East and West, in fact everywhere; and the same demand for restraint is upon us, or failing in this, a descent into barbarism, deep and deeper, until aroused to partial emancipation again? The problem was not closed, the tendency or gravitating force was not removed when chattel slavery died. It is a perpetual task and no part of its features should be masked.

It is vain and foolish to mis-estimate either the character of the Southern people, the temptations in which they were placed, or the resulting social and political conditions, for such will have no other effect than to obscure the future and



lead us into devious and perplexing ways which must be retraced.

Even now, notwithstanding our costly experience, it is quite common to see admissions from high sources in the North, that the constitutional amendment placing the negro upon a legal equality with his white brother, was a mistake, and that he should have been left to the tender mercies and sense of justice of his former master. And this, too, though Southern public opinion, if left to itself, would not permit him to hold up his head and stand erect in the image of his maker, but condemn him to a life but little above mere beasts of burden. Those who would crush out every aspiration of the Afro-American to rise in the scale of being, the Smiths and Varde-mans, are elected to places of trust and power, while the great man, Booker T. Washington, is spit upon by the superior race holding sway in the city which is an eye witness of his success in raising the negro from his low estate. From all this, is it not evident that the race question, like the slavery question, is not a local one, and that the negro, free or slave, cannot be left to the disposition of those who would "make him keep his place" and cherish no ambition above the rudest toil? Are we so dull of comprehension that we cannot see that the solution of the race question, and all other disturbing questions, lies in the establishment of justice among men: that there is no other solution, that injustice to a part means degradation to the whole, and that nothing less than the combined moral strength and intelligence of the whole people constantly exerted, can establish a just and progressive social state? Hence the necessity of seeing the facts of history in their true light, unswayed by weak sentimentality or the arts of sophistry, ever remembering that,

"In the corrupted currents of this world,  
Offence's gilded hand may shove by justice,  
And oft 'tis seen, the wicked prize itself  
Buys out the law."

Another class of critics is voiced by a learned legal friend, who asked, "Do you think there is a kernel in that chaff?"

And continuing, he said: "I once examined the returns of the vote upon the Constitution and saw that only about one-third of the voters favored slavery and that nine out of ten voted to exclude free negroes. Now, is it possible that the Oregon pioneers, in any such proportion, were fearful of being over-run by them? Why, I would have come to the conclusion that they were either opium fiends frightened at their own shadows or had softening of the brain. And as for the rest—will it be any more or different from what has occurred millions of times, and is common to every country—every fellow seeking his own petty end in his own petty way, and with little regard to his competitors? Suppose that half of such incidents were obliterated, would the remainder contain any different lesson? Isn't there a great surplus of incidents that may be cut out by the historian without changing the color of his discourse? Indeed, what is a battle more or a battle less in the world's history? Are not the human ingredients just the same, whatever the outcome? And even as to the so-called decisive battles of the world, though they may have changed the boundaries of a state and modified the laws, can any philosopher take up a single thread of life's tangled skein and show that it is different from any other? Let us admit that war is not so cruel as it once was; that there are some amends for the wholesale slaughter practiced in ancient times, and that captured cities are not given over to rape and pillage by maddened soldiers, but who can show that such amelioration is not the result of improved weapons of warfare, the discovery of natural forces and laws, instead of any softening of human nature? Still, I am not averse to historical lessons often repeated, though I am as often reminded of the fact that history has but little to do in shaping the lives and determining the conduct of men. Now and then an individual of favorable endowment imbibes the spirit of Washington, Socrates, or Christ, and with such help wrestles successfully with his selfishness, but such cases are very rare and their example finds few imitators. The American people are continually involved in the performance of duties of a

public or quasi-public nature, with no thought of or reference to historical lessons. The present conditions and proximate precedents are alone in evidence. Our voters go to the polls and decide questions of the here and now, casting a retrospective glance, rarely reaching beyond a life-time; and I have observed that the so-called illiterates have as good reason for their choice as the college graduates. It seems to be, not so much a question of what is right and proper, as it is one of courage and freedom to perform it. But go ahead, and if you can do more than exhibit the virus which paralyzed the Oregon Democracy in their partisan servitude to the slave power, you will not have labored in vain."

To a philosopher there is no more interesting and instructive chapter of history than the one giving an account of the renaissance of African slavery in the United States, for probably there is no other instance of such a complete and overwhelming reversal of opinion and consequent government as that exhibited by the American people during the first sixty years of the National Union. In the sluggish industrial progress of ancient times such a rate of change would have been impossible, and, to us moderns, accustomed as we are to wonders, the transition seems astounding. Just to think of a people, organizing a government conceived in the spirit of the Declaration of Independence and dedicated to the establishment of justice as derived from that broad and all-including principle, passing in less than two generations to the conditions just preceding the Civil War! It is one of the marvels in human affairs. It is not the intention here, however, to give anything more than a sufficient synopsis to understand the Oregon phase of the question, and why we on the Pacific Coast, nearly two thousand miles from the scene of actual conflict, should have felt enough interest to take a vote showing to what extent we had become involved in the general demoralization.

In the way of denial or amelioration of this great retrogression, some writers lay much stress upon the so-called compromises of the Constitution, as though there were anything in

that instrument upon which to base the notion that its framers intended the folly of combining two antagonistic systems in the general government, or that when they declared its purpose "to establish justice, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity," they meant only people of white skins, any more than they meant to confine those great benefits to the descendants of the people then inhabiting the United States.

## ANTI-SLAVERY AGITATION IN THE OREGON TERRITORY.

During the years 1855, 1856, 1857, the people of the Oregon Territory were somewhat stirred by the pendency of the slavery question, which was supposed to have been settled for all time, so far as its existence here was concerned. It is not too much to say that the Oregon people were taken by surprise; that nothing of the kind ever entered the mind of one of them that even a suggestion of slavery would be heard as applicable to this Northwest Coast. Then, why any agitation; why any vote? If humanity is on the up-grade, as optimists delight to believe, why should a professedly civilized people take a vote as to whether they will adopt in their Constitution the privilege of perpetual robbery? That the Oregon people voted down such a proposition is no doubt to their credit, but casting an eye over the country as it was in the fall of the year 1857, and noting the schools, churches, and other evidences of peace and fraternity, is it not a most astounding fact that they were seriously considering such a question? But alas! such are the contradictions in human nature that it must always be judged, not by comparison of it with what an enlightened human being knows and feels to be right, but in accordance with the controlling habit of the times. Though endowed with reason and conscience and affections that compel them to live in a social state, human beings are in the main selfish creatures of habit, and improve, if at all, step by step, and not by a far-reaching inquiry as to what is best for the whole. Neither are they, or their habits or doings, things of

chance, but consecutive products, interrelated links of causation which may be traced by careful examination.

Hence it is the purpose of this paper to inquire into the matter and determine how and why the Oregon people became involved and how they settled the question for themselves. The kind of involvement we shall speak of was not that arising from the existence of slavery in the Territory, for there was not one negro slave within its far-reaching boundaries or within a thousand miles thereof.\* The enslavement of Indian captives, taken in war by Indians, was practiced to a very limited extent, but the white people of Oregon never participated in any such traffic. In truth, that kind of slavery was more nominal than real, consisting as it did of women and children who were adopted by the victors and were subjected to little more restraint than their own people.

As a practical matter, there was no question of slavery of any kind to annoy the home-builders of Oregon. And, as has been said, the pioneers came with no prospect or desire of establishing slavery upon the Pacific Coast. True, the slave State of Missouri contributed more of them than any other State, and probably it, with Kentucky, Tennessee and Arkansas, gave a majority of the whole. But the emigrants from those slave-holding States belonged to the non-slaveholding class and were not pecuniarily interested in slaves; besides, many of them came to the Territory to rid themselves of the blight that broods over the land where involuntary servitude

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\*The following letter bearing on this fact was received by the writer:

SALEM, Oregon, June 4th, 1906.

Hon. T. W. Davenport,

Silverton, Oregon.

My Dear Sir:—Yours of the 2d inst. is just received. Colonel Nat. Ford came to Oregon from Missouri in 1845 and brought with him three slaves—two men and one woman. The woman was married to one of the men and had some small children. Ford claimed these children as slaves and continued to claim them until 1853. One of these children—a girl—had, prior to that time, been given by Ford to Mrs. (Dr.) Boyle, a daughter of Ford. Prior to 1853 the parents of these children (Robbin and Polly) had claimed their freedom, and left Ford, and in 1852 were living at Nesmith's Mills, but Ford had kept the children. In 1853 Robbin, the father of the children, brought a suit by *habeas corpus* to get possession of the children. This case was heard by Judge Williams in the summer of 1853, and he held that these children, being then (by the voluntary act of Ford) in Oregon, where slavery could not legally exist, were free from the bonds of slavery, and awarded their custody to their father.

Yours truly,

R. P. BOISE.

prevails. For, let it be borne in mind, that there was no time in the legal existence of the Territory when slavery was not under prohibition of law, first by the Provisional Government (Sec. 4, Art. I) and later by act of Congress organizing the territorial government, and continuing in force until the admission of Oregon as a State in the year 1859. Consequently, any one may see that our agitation did not grow out of objective conditions existing here, but was imposed upon the Oregonians from the outside. Or possibly it may be nearer the truth to say that it was a case of political seduction, in which the seduced did not possess the virtue of resistance. In either case, it did not come from any statute or regulation by the general government, specially applicable to our people, but by extra-legal, political influence which came as an incident in the aggrandizement of slavery in the nation.

All students of American history are acquainted with the estimation in which slavery was held in revolutionary times; that it was a deplorable fact, to be tolerated by the government, but to be restricted within its occupied boundaries, with the hope and expectation that under our form of government it would quietly disappear. Vain hope! tolerating an evil and letting it alone is no way to end it. It soon grew out of the stage of toleration, repudiated the terms of reproach cast upon it, and contested with free institutions for supremacy in the government. There was continual conflict, for the antagonism between free and slave institutions is irrepressible. This natural antagonism many people did not see, or affected not to see, and blamed the abolitionists with making all the disturbance. But the true state of the case is well set forth by Horace Greeley in his "American Conflict," on page 354, volume I.

"Why can't you let slavery alone?" was imperiously or querulously demanded at the North throughout the long struggle preceding that bombardment (Fort Sumter), by men who should have seen, but would not, that slavery never let the North alone, nor thought of so doing.

"Buy Louisiana for us!" said the slaveholders. "With

pleasure." "Now Florida!" "Certainly." Next, "Violate your treaties with the Creeks and Cherokees; expel those tribes from the lands they have held from time immemorial, so as to let us expand our plantations!" "So said, so done." "Now for Texas!" "You have it." "Next, a third more of Mexico!" "Yours it is." "Now, break the Missouri compact, and let slavery wrestle with free labor for the vast region consecrated by that Compact to Freedom!" "Very good. What next?" "Buy us Cuba, for one hundred to one hundred and fifty millions!" "We have tried; but Spain refuses to sell." "Then wrest it from her at all hazards!" And all this time, while slavery was using the Union as her catspaw—dragging the Republic into iniquitous wars and enormous expenditures, and grasping empire after empire thereby—Northern men (or, more accurately, men of the North) were constantly asking why people living in the Free States could not let slavery alone, mind their own business, and expend their surplus philanthropy on the poor at their own doors, rather than on the happy and contented slaves!

But we must not lay all these aggressions to the Southern people alone, although especially acceptable to their predominant interest, for on all such propositions they had help from the North. Upon all questions affecting the peculiar institution the South was solid while the North was divided. Slavery had no diverse politics. Mr. Dixon, in a speech made before the United States Senate, said: "I have been charged, through one of the leading journals of this city, with having proposed the amendment, which I notified the Senate I intended to offer, with a view to embarrass the Democratic party. It was said that I was a Whig from Kentucky, and that the amendment proposed by me should be looked upon with suspicion by the opposite party. Sir, I wish to remark that, upon the question of slavery, I know no whiggery, and I know no democracy. I am a pro-slavery man. I am from a slave-holding State; I represent a slave-holding constituency, and I am here to maintain the rights of that people whenever they are presented before the Senate."

If Northern representatives had been equally faithful to the interests of their constituents, there would have been little or no aggression of slavery. This may not mean that the Northern people were especially lacking in the virtue of fidelity, but that no great wrong solidified them. As Governor Seward said, in a speech at Cleveland, Ohio, October 26th, 1848: "There are two antagonistic elements of society in America, freedom and slavery. Freedom is in harmony with our system of government, and with the spirit of the age, and is therefore passive and quiescent. Slavery is in conflict with that system, with justice, and with humanity, and is therefore organized, defensive, active and perpetually aggressive." This aggressive and solid front of slavery, claiming and receiving exemption from interference by the passive and quiescent free portion of the Union, gave to the slave-holding interest a vast political advantage, with the result that the national administration was either neutral or apologetic as to slavery from the organization of the Federal Government until the election of Lincoln in 1860, a period of seventy-two years. During all this time it was increasing in power and arrogance until the climax was reached in the Dred Scott decision, which declared that the negro had no rights which a white man was bound to respect, and that property in slaves was on a par with other classes of property and entitled to the protection of law in all the national territories. But such an accumulation of political power, such a tremendous departure from the Declaration of Independence, could not have been accomplished without the aid of Northern politicians and the acquiescence of their constituents, for the political potentiality of the free to the slave States was as two to one.

The cause of such subserviency on the part of the powerful North, was no secret; everybody knew it; everybody said it; many there were to apologize for or defend it, a few to deplore and denounce it. Mr. Seward, in the speech before quoted from, said: "One of these parties, the party of slavery, regards disunion as among the means of defense, and not always the last to be employed. The other maintains the union of



the States, one and inseparable, now and forever, as the highest duty of the American people to themselves, to posterity, to mankind," etc. In the free States, the Union sentiment expressed by Mr. Seward amounted to a passion. None but a few of the despised abolitionists were free from it. To preserve the Union, the people would make great sacrifices—their peace, their property—and would even go so far as to trench upon their personal liberties by limiting the freedom of speech and the press and becoming slave-catchers upon free soil. In the South, slavery was their bond and their passion, for which the people would sacrifice the Union. Indeed, to the thorough-going slavocracy, the Union was valueless except as the highest trump card in the game of government whose high honors it had so far won. It was this condition that made possible the dominance of slavery in the government for so many years. Not because disunion was continually threatened by the Southern people, but because it was known to be their remedy against any form of anti-slavery agitation.

There was, however, a limit to Northern subserviency. The people of the free States could not wholly satisfy their Southern brethren without abandoning their system of government. It was not enough that they must be slave-catchers by constitutional duress; they must do the work with alacrity, as Mr. Webster expressed it. Not only so, they must cease talking against chattel slavery. The pride of Southern gentlemen revolted at the idea of being looked upon as engaged in a nefarious business, and therefore under the moral ban. So anti-slavery agitation must cease at the North as it had at the South.

Mr. Lincoln, who has never been accused of being untruthful or extravagant, in answer to the query, what must we do to convince our Southern brethren that we intend no interference with slavery where it exists, said in his Cooper Institute speech, in New York City, February 27th, 1860: "This and this only: cease to call slavery wrong and join them in calling it right. And this must be done thoroughly—done in acts as well as in words. Silence will not be tolerated—we must place

ourselves avowedly with them. Senator Douglas's new sedition law must be enacted and enforced, suppressing all declarations that slavery is wrong, whether made in politics, in presses, in pulpits or in private." This may appear excessive, but it is not, for the reason that suppression is the very essence of slavery; without suppression there is no slavery. There must be suppression of the freedom of the slave and there must be suppression of any right in others to object. Of course this is an impossible task, but the demagogues and doughfaces of the North essayed it by displaying, in season and out of season, the spectre of disunion. Such conjuring became so common that persons known to have anti-slavery sympathies, though silent upon the subject, lost caste in their party and were set aside to make sure of giving no offense to the Southern brethren.

By such means the two old parties were driven more and more into the embrace and service of the consolidated slaveholding interests, and through them the federal patronage was distributed to apologists and devotees of the institution. At the beginning chattel slavery was not a national idea or purpose. The authors of the Declaration and the Constitution were not solicitous to preserve it, but to prevent its extension and cut off its supplies from abroad, and would have gone further, but were compelled by the price of the Union to leave it as a local institution to be dealt with by the States wherein it existed.

In such a disposition of the perplexing subject, slaveholders and non-slaveholders, the North and the South co-operated, for such was the national purpose and such were national men, as Mr. Lincoln abundantly proved in his Cooper Institute speech from which we have quoted. But under the pro-slavery regime, to be national, a man or party must not antagonize the growing demands of that interest. No others might be given control of the national administration. The Whig party leaders, Clay, Webster, Seward, Greeley and others of like sympathy, yielded very grudgingly to the trend of events, but being devoted in every fibre to the Union,

were continually trying to harmonize freedom and slavery in the government and its own diverse partisan elements, with the result of inclining one way and the other and thus giving offense to both interests. Mr. Greeley wrote in his "Conflict," volume I, page 246: "The dissolution of the Whig party, commenced by the imposition of the Southern platform on its national convention of 1852, was consummated by the eager participation of most of its Southern members of Congress in the repudiation of the Missouri Compromise by the passage of the Nebraska Bill." In fact, the dissolution commenced before, for the party had been weighed in the Southern balance and been found wanting. Though its Northern leaders might acquiesce in slavery extension wars, the incipience of which they had opposed, and compromises of territorial partition for the sake of the Union, they were at heart disgusted with such necessities. Mr. Lincoln might say, "We will return to our Southern brethren their fugitive slaves and let them manage their peculiar institution in their own way at home, for so it is written in the bond," but the bitterness of soul produced by such an admission he must ease by the assurance that "we will go no further; we will oppose its extension, and declare our opinion that if slavery is not wrong, nothing is wrong." Mr. Webster might oppose the application of the Wilmot Proviso to New Mexico as wholly unnecessary and tending to give needless offense to the Southern people, but he did not neglect to say, "Sir, wherever there is a substantial good to be done, wherever there is a foot of land to be prevented from becoming slave territory, I am ready to assert the principle of the exclusion of slavery."

A party with such elements could not long continue to serve the Southern ultras, and yet they were not strong enough to fix it as an anti-extension party. The house was divided against itself and could not stand. The Democratic party, on the other hand, was more to their liking and continued longer in the service. Its great leaders were Southern men and slave-holders and, though at the beginning bore witness to the sin and shame of slavery, they were so devoted to the doctrine

of "States' rights" and "strict construction" as a barrier to anticipated encroachments of the general government that they opposed any legislation by it to prevent the spreading of slavery. Jefferson, in his own opinion, was outside of the Constitution when he purchased the Louisiana Territory in 1803, yet seventeen years afterward when slavery had emerged from its let-alone self-condemnatory status and become the chief, if not the only, menace to the peace and prosperity of the American people and truly democratic government, both he and Madison were opposed to the Missouri restriction then pending in Congress. We can hardly suppose that these two great men were insincere in the part they had taken in the formation of the American Republic—one noted as the writer of the Declaration of Independence and the ordinance prohibiting slavery in the Northwest Territory by act of Congress, and the other as one of the chief makers of the Constitution, but it is difficult to account for their action in the Missouri struggle without supposing that they, too, were carried away by their Southern sympathy or constrained by the fear of disunion. In any aspect of the case it was a most pernicious example for the great apostle of genuine democracy to set for his party, which thenceforth became the preferred instrument of those whose interests were inimical to any form of democracy. It is unnecessary to more than mention the successive steps of debasement, the annexation of Texas and war with Mexico, the resistance to the admission of California as a free State, the repeal of the Missouri Compromise, the support of the border ruffian government in Kansas—and all made possible by three principal causes: the threat of disunion, the corrupting influence of the spoils system of politics, and the seductions which great power offers to those ambitious for official preferment—the last two the most potent and liable to be turned against them at any election. We should do scant justice to the intellectual ability of our Southern fellow citizens, in supposing them ignorant of the spontaneous forces of advancing civilization working to undermine the system of chattel slavery, and that its security lay not in the let-alone

asseveration of Northern men, however earnest, but in keeping the balance of power in the United States Senate. Indeed, this was an accompanying idea of the renaissance and the chief inspiring motive of extension.

Failing in their efforts to make a slave State, their seductions were exerted to make it a Democratic State, as the case of California, admitted into the Union in 1850, it being one item of a series constituting the compromise of that year, and of which Mr. Greeley wrote as follows: "The net product was a corrupt monstrosity in legislation and morals which even the great name of Henry Clay should not shield from lasting opprobrium." He admitted, however, that it was accepted and ratified by a great majority of the people whether in the North or in the South. They were intent on business—then remarkably prosperous—on planting, building, trading, and getting gain—and they hailed with general joy the announcement that all the differences between the diverse sections had been adjusted and settled. The general joy was not contagious among the anti-slavery people, and at no time were their hopes so low as upon the passage of the compromise of 1850, for it seemed to them as though there could be no limit to Northern subserviency to save the Union.

Those of a more optimistic turn of mind could find some consolation in the fact that, though slave-catching had been taken under the strong arm of the Federal Government and all legal barriers to the extension of slavery into the newly acquired territories had been removed, yet one more free State had been added to the Union. This was evidently a gain, counting by States, but when critically examined it afforded no sign of an increase in the altruistic fund or of a moral awakening anywhere, or even of a falling away from the political forces of slavery, for while the inhabitants of the Golden State came knocking at the door of the Union for admission with a free-state Constitution, their senators-elect were national men, already interpreted to mean that upon any question concerning slavery they were as loyal to the institution as any son of the South. The free State of California, no

other being possible by a vote of its inhabitants, and represented at the same time by Gwin and Weller, the former a propagandist and the latter a sympathizing confederate! who shall explain such an apparent paradox? But it is easily explained in one sentence; as for themselves they demanded freedom, as for others they did not care. As to any harm that might come to slavery or any curtailment of its power at that time, California might as well have been a slave State. Of this they did not care. The prospect of being supplanted in the gold diggings by the owners of slaves they could not for a moment endure. That such a relation as master and slave should have a legal existence upon American soil, did not influence the decision of many who voted to make California free.

Although a great part of human actions is of the thoughtless or impulsive kind, yet in matters that are premeditated, there is always a good and sufficient reason back of them and consistent with the mental and moral make-up of the actors and their environment, and that is all that is practical in human affairs, whether it be progress or otherwise. The Californians in 1849-50 did not perpetrate that inconsistency of a free-state Constitution carried to Congress by pro-slavery representatives, "just from pure cussedness," but from that preponderance of selfishness which everywhere characterizes the great majority of human beings who, from habit arising out of their own wants and necessities, must think first for themselves and after that for others. From mere selfishness, they could not brook slavery within their own borders, but they wanted to be citizens of a State and sovereign over their own local affairs, and knowing that slavery was dominant in the general government, they must present as few points of antagonism as possible to the powers that be, so that their prayer for admission might be speedily realized. Besides, they wanted appropriations for their harbors and rivers and coast defenses, and none of these were likely to be answered when presented by men opposed to their system. Of course this was pure selfishness, but it was a reasonable and defensi-

ble selfishness to all but a few. Still, with all such sugar-coating and the patriotic zeal of the compromisers, the admission was harrowing and long delayed, and, very likely, if it had not been for the financial inducements contained in the gift to Texas of ten millions of dollars for the little piece of territory incorporated in New Mexico, whereby Texas scrip, mainly held in the South and much of it by Southern Congressmen, was raised from a nominal price to par, the California Constitution would have been sent back to the people.

Southern men did not like to abandon their dream of working the "placers" with their slaves. And California as a free State was almost unbearable—the very filching away from them of the coveted fruits of the Mexican war. They were more rational than the despondent Freesoilers, for they saw that with California free and covering with Oregon the entire Pacific Coast, all north of 36 deg. 30 min. protected by the compromise of 1820, and New Mexico, in the language of Webster, "free by God's ordination," the prospect of maintaining the balance of power and the control of the national government while the Union lasted and their ambition of empire after its dissolution, was reduced to very narrow limits. In truth, the question of the extension of slavery was settled, for there was no more territory to fight over, if conditions then existing were to continue. That this was a true view of the situation has been proved by much that has occurred since, and that the Northern electorate saw it, is shown by the presidential election of 1852, in which there was an almost complete collapse of the Free-soil party as compared with the vote of four years before, notwithstanding that colossal blunder of Southern statesmen, the Fugitive Slave law. If it had been entitled "an act to fire the Northern heart" it would have fitly expressed its operation.

The territorial aspects of the extension question, the only one that ever involved the feelings and interests of any considerable portion of the Northern people prior to 1850, could be easily calculated by reference to a sectional map after the settlement of that year. No amount of prejudice or partiality

for North or South could blind the eyes to the facts in the case, which were as easily comprehended as that 2 plus 2 make 4, for it was simply an arithmetical computation. Even supposing that Daniel Webster was wrong and that God's natural ordinances did not work against slavery and that all South of the line of 36 deg. 30 min. north latitude were given to it, yet that portion of territory already dedicated to freedom would overbalance it more than five to one, and no prospect of adding another foot of soil to serve as a bone of contention for the rival hosts of freedom and slavery. Both of them saw it, and but for that kidnapping statute and the subsequent infidelity of the repeal of the Missouri Compromise, agitation of the slavery question would have been confined to the non-political moral suasion of the Garrisonians. Mr. Lincoln's soothing vision of the time "when the public mind could rest in the belief that slavery in the United States was in the course of ultimate extinction" would have been realized. For there is not a doubt that slavery, surrounded, overmatched, reduced to a minority in the government and incapable of rewarding its supporters, thus alienating from it that all-too-numerous class of politicians who would serve either God or Mammon for the sake of place and power, there is not a doubt that under such conditions chattel slavery would succumb to the stern competitive grind of civilization. This view of the case was generally held by the more sagacious class of the Southern ultras and urged by them as a reason for secession. Toombs, Wigfall, Jefferson Davis, Breckinridge saw it, and saw also that their Northern allies were agitators for self and when trouble came would shirk consequences.

At the presidential election in 1852, the Whig party experienced the worst defeat ever known in the history of the country, of which Mr. Greeley wrote, "Never before was there such an overwhelming defeat of a party that had hoped for success." The Whig candidate, General Scott, received only 42 of the 296 electoral votes. Mr. Greeley attributes much of this disparity to the votes given to the Freesoil candidates, Hale and Julien, but their vote was 135,517 less than the vote



of that party four years before, while the increase of the Democratic vote rose to 381,312 and that of the Whigs to 25,838, or about one-fifteenth as much.

There were good reasons for the change, however, and Mr. Greeley, while not giving them in causative terms, sums up the matter by saying, "whatever else the election might have meant, there was no doubt that the popular verdict was against slavery agitation and in favor of maintaining the compromise of 1850." On the face of things, there was no slavery question between the two great parties that year. The territorial question had been settled if law or compromise could settle anything. Both parties had solemnly resolved in favor of maintaining the compromise of 1850, and had as emphatically pledged themselves against any form of agitation, in or out of Congress. And the candidates had also given personal pledges to the same effect. But it was well known that the great Northern Whig leaders, while uniting in the compromise for the sake of peace with the Southern brethren, had not abated a jot or tittle of their anti-slavery sentiments; besides, Mr. Seward, then the acknowledged leader of the Northern wing of the Whig party, was the promulgator of the irrepressible conflict doctrine and its remedy the abolition of slavery, neither of which many thousands of Whigs took stock in. And for confirmation of their opinion, they pointed back to the time when the two sections of the Union dwelt together in harmony by attending each to its own local affairs, and now that the territorial question was out of the way, they could see no reason why there might not be a repetition of the good old times and a long era of good feeling. Such people could not understand why a freesoiler or abolitionist could not "stop his yawp" and quit helping runaway "niggers" as easily as a man could put on or off his coat. To say that such people are dullards and that the class is numerous, might be pungent, but it does not bring out the fact that human beings do not see the truth until their eyes are opened and turned towards the light, and that the predominance of generous impulses is effected only after many trials

and continuous discipline. At the election in 1852 the "don't-cares" were quite numerous, and for all such, and that other class of Northern people who were willing to accommodate the Southern aggressors in all their demands, no doubt their proper place on election day was with the Democratic party, which was untinctured by any such heresies as conscientious scruples upon the question of slavery.

The newly elected President, Franklin Pierce, in his inaugural address, and later in his first message, reiterated his pledge against slavery agitation in the following words, to-wit: "that this repose is to suffer no shock during my official term, if I have power to prevent it, those who placed me here may be assured." It must be remembered that the slaveholding interest, by its agent, the Democratic party, and all pledged against a renewal of agitation, were in undisputed control of the Federal Government in all its departments. And yet, notwithstanding all pledges by party or person, or of compromises, at the first session of Congress in the Pierce administration, began the work of repealing the Missouri Compromise, and by the very men and the party who had lulled the country to sleep by false promises. It was in truth a bold stroke, but from the previous success of the aggressors in quieting Northern repugnance, they were sure of ultimate acquiescence in any scheme they might undertake. Upon the plea of a repartition of territory between slavery and freedom, or that the Constitution carried the institution there because of its being joint property, the repeal could not have made any headway even in that Democratic Congress, but the plea of leaving the question to the people of each territory, to be settled by themselves, was not only plausible but flattering to the self-sufficient pride of men who had set at defiance mountains and deserts and won the West.

Stephen A. Douglas was wise in this, but probably blind to the result of arraying the same selfish motives against an institution which every common-sense man knows is against the general interest, and that only a few can be privileged. He and the Southern representatives, without doubt, believed

that Kansas, with the aid of Missourians and the official power and patronage of the general government, would become a slave State and a barrier to the extension of freedom southward. But both parties to that opinion were in error, and while the Supreme Court might come to the rescue of the South and legalize slavery in all the territories against the will of their inhabitants, Mr. Douglas could not abandon his squatter sovereignty doctrine without being abandoned by his Northern constituents and losing his seat in the United State Senate—in a word, becoming a political bankrupt. That was a dramatic moment when Mr. Seward, standing in his place in the Senate, after the repeal, uttered his acceptance and prophecy, in these words: "Come on, gentlemen from the South; we accept your challenge to contest with you for freedom on the soil of Kansas, and may God give the victory to those who are stronger in numbers as they are in right."

If the upholders of the peculiar institution had not been blind they would have recognized in this declaration the handwriting on the wall, and the doom of slavery, for they had taken the question out of the domain of compromise and diplomacy and referred it to a trial between nineteenth century civilization and the ancient barbarism, between the unprivileged many and the privileged few. They had made an analogous mistake to that of the abolitionists, who put all their faith on moral suasion. They, on the contrary, had been living so long without reference to the ten commandments and the Golden Rule that they had ceased to regard men as actuated by any other than selfish motives; and, indeed, from their long continued success in ruling the North through its appetite for the loaves and fishes, their blunder may not be wondered at. And they expected to have like success in Kansas by means of the Federal patronage and other connivance of the general government. But they miscounted; they left out the Puritan, John Brown, who would make slavery hazardous, yea, impossible, and that he was the natural and normal counterpart of the Yankee who would

make freedom profitable. Altruism and egoism were co-partners against slavery, the first time in the history of the American commonwealth. And the issue was at no time doubtful.

In view of all the foregoing facts showing the progressive nature of the Southern demands and the success attending them, and also of the after occurrences in the Kansas conflict, involving the Federal administration, the philosophical student may find difficulty in accounting for the events without reducing the better qualities of human nature to a very low estimate, so low indeed as to be in conflict with the private characters of the principal factors in them. There is scarcely a doubt that Franklin Pierce was sincere in his declared intention of opposing a renewal of slavery agitation which he pledged himself to resist with all his power, and yet he signed the congressional enactment repealing the compromise of 1820 without a word of protest so far as is known, and when his veto would have effectually blocked the measure without a hope of its renewal. Pierce was a native of New Hampshire, college-bred, experienced in public affairs, honorable in all his dealings, and stood high among his fellow citizens. So there is no plea of ignorance for him. He knew that the repeal of the compromise would be regarded all over the North as a most flagrant breach of good faith and raise popular excitement to an unprecedented degree, if not to produce civil war. Moreover, the officers he appointed to administer the affairs of the territory were in sympathy with the Southern purpose of making Kansas a slave State, though some of them became disgusted at the pro-slavery lawlessness and joined the free-state cause. And later, when James Buchanan became President, the same lawless spirit ruled during his administration, to which he contributed his endorsement by recommending to Congress the forcing of the fraudulent Lecompton Constitution upon the people of Kansas. And yet Mr. Buchanan was more learned, more experienced, stood higher as a private citizen and in public confidence than Franklin Pierce.

And the same fate which befell them involved the Democratic party of the North. Sooner or later the organization went down before the slave-holding wing and adhered to it by the cohesive power of public plunder. We cannot reconcile the private characters and political actions of the great body of citizens involved in the monstrous recrudescence of chattel slavery in the United States without treating it as a barbarism too ponderous and overwhelming for average humanity to resist. And further, we must consider that for over half a century it had been gradually intruding itself into the framework of our government, and through its control had been the dispenser of the immense patronage as rewards for subservience. Also must be included that blind, impulsive, incalculable force, called party spirit, which Washington considered the chief menace to the perpetuity of republican institutions, and that other motive, the fear of disunion, and all become habits of thought and feeling.

This disparity between private and public conduct of the same individual has been remarked a great many times and it is not peculiar to the American people. Bismarck observed it in Germany, and though he was considerably annoyed by the fact that a good private character was not a sure guide to political conduct, he offered no explanation of the variance. Nearly every one who speaks of it seems to be puzzled, as though we should expect man to be consistent under all circumstances. That, however, is placing too high an estimate on human nature. Only a few are amenable to self-imposed bonds and a law unto themselves, and only trial will reveal them.

Looking upon human conduct as a resultant depending upon circumstances, the cynic says, "every man has his price," meaning thereby that every one can be turned out of the path of rectitude by the enticements of power and gain, which is so often true that the tribe of cynics will not perish. But there are many, let us hope, whom money or power cannot buy. Not all who are taken up into the mountain and tempted by the Devil fall down and worship him.

To the countryman who asked Thoreau why he did not fall in with the procession following the band of music, he replied, "that is not the music I hear." And there are others who hear the higher class music, though the majority hear the music of the street and join the noisy, thoughtless procession.

It should be remembered, while viewing this question, that in the private walks of life the energies of men are devoted to the production of wealth, which is distributed among the factors producing it, and while the distribution may not be according to the rule of absolute justice, owing to our defective social state, still there is the maxim that every one is entitled to what he produces, and, in practice, an approximation to rewarding every one according to his works. So, there may be prizes but no blanks. For inequalities in wages, there should be no complaint, when opportunities are equal, for such is the order of nature; that those who sow should reap, and those "who would not plow in spring by reason of the cold should beg in harvest and have nothing."

In this primal law of nature which entitles man to the fruits of his industry, and the other, no less primal, which impels him to satisfy his wants with the least exertion, we have the duplex key to progress and prosperity in every department of human endeavor and in society as a whole. It is also in the line of least resistance as respects conformity to ethical principles. There may be competition for preference in the market to be obtained only by superiority in the quality of goods, industrial products, but such is unavoidable, indeed, desirable, for it is the working out in practice of the laws heretofore expressed, the negation of which would destroy the incentive to individual exertion and therefore of improvement. Does not any defensible idea of justice consist in equal freedom and equal access to the bounties of nature, and of course a free market in which chicanery has no permanent standing?

And such relations are automatic in their nature. The fittest survive; the fraudulent is expelled; and hence the constant converging tendency to square dealing and open, above-

board methods. It is in this school, where the kindly and fraternal virtues are at premium and rascality at discount, that men get their reputation or private character as moral beings. Politics, on the other hand, is the reverse of industrialism in all essential particulars. In the first place, politics, though productive of great strenuousness, is not a wealth-producing but a wealth-consuming employment. There is no distribution, for there is nothing to divide. There are prizes to be won, the emoluments of office, and while there are many contestants, only a few can be chosen. And the nature of the contests admits of much diplomacy—in plain terms, secrecy, cunning, tergiversation. And as there is mutual suspicion of the employment of such methods, the tendency is from bad to worse. And when the contest is between political parties, the whole population is segregated into antagonistic groups animated by a partisan spirit which gives but little heed to the general welfare.

Political parties are a natural evolution from the differences of opinion among the people, as to the principles and policies which should govern in the conduct of the government, and as such issues must be determined by majorities in a popular count, it has been the practice in the United States to put the government into the possession of the candidates of the party winning at the polls—a custom as vicious as unnecessary, except as to those few offices involved by the policies upon which the contesting parties differ. The great number of merely executive offices, more than nine-tenths of all the offices in the general government, and a greater proportion of those in the State governments, are wholly unaffected by the incumbents' political opinions. A collector of customs must obey the law, whatever the duty, or whether he leans to protection or free trade. And the post master performs his legal duty whatever may be the shade of his politics.

Considering the vast patronage and power at issue in a political contest, there is nothing strange that the parties to it, animated by the war cry, "to the victors belong the spoils,"

soon become to a great extent a compact and mercenary organization. And this result comes, not because all or a majority of partisans are demented or corrupt, but from various other causes. Some have over-confidence in those filling places of control; some adhere from mere partisan spirit or prejudice, like the great Dr. Samuel Johnson, who was so much of a Tory that he would not admit that a Whig could be honest. Some follow the partisan standard because their fathers did; some from inability to part with their political associates; others from memory of the party's past good record and the hope that, though it may sometimes go wrong, it will be nearer right on the average than its opponent. Some fall in from sheer habit or the pride of being rated as reliable and not subject to the stigma of being a "vacillator"—"a quitter." But among all these, and holding them in line, are the shrewd, ambitious, unscrupulous self-seekers, encouraging the weak, chiding the skeptical, holding out prospects to the aspiring, succoring the needy and infusing a blind party spirit into the whole mass. And this conglomeration of patriots and purveyors was the only avenue to government employment, and subservience to it the prime qualification for promotion.

At first, a voluntary organization intended to be a serviceable adjunct to government, by the performance of necessary functions, such as the public discussion of mooted questions, the dissemination of knowledge pertaining to public affairs, the ascertainment and carrying into execution the will of its members, all this and much more that a political party could and should do in the promotion of the general interests; but through the corrupting influence of the bribery system which is the natural ally of privilege, degenerated into a mere tool of class interests.

In a party so constituted and governed there was no encouragement to independent thought and action with an eye single to the public welfare. Continuous and unbroken servility was sufficient. The individual, unless powerful enough to control, was suppressed, and strange to say that



this was the kind of party supposed to be normal to our form of government. There is no better evidence of the predominant selfishness of those in control of the great political parties than the admission by them that political parties are impracticable without official rewards for partisan service. Certainly such parties could not survive a change of that character, and well they could not, for the government dissociated from the spoils system would become responsive to the general interests and the people being emancipated from partisan control and freed from partisan employment would exercise their faculties in the solution of social problems and striving for improvement.

I have deemed it proper to dwell at some length on the nature and tendency of political parties as they have existed in the United States, in order to account for the astounding discrepancy between the conduct and character of men as private citizens engaged in productive industry, and their doings as partisans. That while in matters and things non-partisan, as neighbors and fellow citizens, they are communicative, candid, kindly, reciprocal and regardful of the general interests, yet they seem to think it proper, when engaged in works called political, to do whatever is necessary to maintain or promote party supremacy, which in practice means to yield obedience to the controlling powers of the party. And though they may admit that some things done by the party or individuals of the party may be wrong, yet their party is better than its opponent, and in general maintain the maxim "our party right or wrong." And especially is it desirable to think of this aspect of life when viewing the attitude of the largest portion of the Oregon people, with reference to the slavery question after its reopening by the repeal of the Missouri Compromise in 1854, and the injection of the squatter sovereignty doctrine into American politics by the over-ambitious "Little Giant," Stephen A. Douglas of Illinois.

After a long and extensive acquaintance with the Oregon pioneers, I am constrained to declare them an exceptionally

good people, hospitable, social and fraternal to a marked degree, as well as being resolute and public-spirited. That the known perils of the overland journey had a selective effect in bringing to this coast a strong and virile population, I think is evident, and the four to six months' journey amidst extraordinary trials, and the communal life incident thereto, disrobed them of social shams to a grèat extent and made them all kin. There is another consideration, until now unmentioned, that as a general rule the pioneers were people of moderate means and therefore unaffected by much disparity in wealth.

During the Provisional Government, which ended in 1849, after the organization of the Territory by Congress, partisan politics were unknown in Oregon. There were some factional jealousies (hardly worth mentioning) on account of the Hudson's Bay Company, the missionaries and the worldlings. but the people got along and seemed to be intent upon doing the best they could with their own local affairs. Upon the arrival of General Lane, the first territorial Governor, who assumed control March 3d of that year, the segregation into Whigs and Democrats began to show itself.

At the first election of Delegate to Congress, in the fall of 1849, national politics did not figure to any observable extent. There were five candidates, a sort of free-for-all race in which no one had a majority over all. Samuel R. Thurston, who was elected, ran on the issue of the missionary settlers against the Hudson's Bay Company. In the absence of the larger portion of the population in the gold mines, the vote was very light. Mr. Thurston received, 470; Columbia Lancaster, 321; Meek and Griffin, 46; J. W. Nesmith, 106. By the *Tribune Almanac* of 1850, Nesmith was rated as a Whig, but this was an error, as he and Thurston both were Democrats. Mr. Lancaster was a Whig and his vote, the next highest, might be considered a sample of the Whig strength at that date. There was no mention of negroes, bond or free, at this election. Although the slave power was dominant at Washington, the question of slavery as to Oregon, defended by a double pro-

hibition, one by the people and another by Congress, was such an apparent impossibility that they did not give it a thought. It was enough that a Democratic Delegate was elected to Congress and that Oregon bid fair to be a Democratic State. Besides, California at that time was adopting a free-state Constitution and hence the focal point of attention for Southern statesmen.

After the news of Thurston's death, which occurred on his way home from Washington, on the 14th of April, 1851, General Lane, who had resigned the office of territorial Governor, became a candidate by nomination for Delegate to Congress, and was elected in June by a large majority over his competitor, Dr. W. H. Willson, the nominee of the Mission party. Lane's majority, as given by Bancroft, was 1832 in a total vote of 2917. There is no record of any canvass by the rival candidates and no mention of political matters.

General Lane was a great favorite with the Oregon people, besides being known as an unwavering Democrat. In examining the course of the slavery issue in Oregon, I cannot properly omit to give an important place to General Lane. Not because he was active as an agitator, for I have no recollection or record of his writing a letter or making a speech *pro* and *con* during the pendency of the question. But it was well known that he was of Southern birth and lineage and in sympathy with and a promoter of the slave-holding interest. And in many important respects, General Lane was no ordinary man. Nature had been lavish in her gifts to him. He had an attractive and commanding personality, distinguished alike for an unoffending dignity and a kind and courageous spirit. Judge George H. Williams said he was a born politician: true, for he was a born leader of men. Not, however, as a doctrinaire and a promulgator of principles, but as a man of action, full to overflowing of bonhomie and a stalwart neighborhood, as well as a ready and decisive judgment which, if not always sound, had the effect to inspire confidence and give him numerous and enthusiastic followers. His place by nature was at the front and he was adroit

enough to take it, whether leading a column in defense of the weak when the war-whoop shook the nerves of the strong, or as the cynosure of a political campaign. What he did was assumed to be right, at least respectable, and his position with the slave-holding party, though he might not say a word or write a line, exerted a most pernicious influence upon that class of people who are not self-directed. In April, 1855, General Lane was nominated again by his party for Delegate to Congress. On the 18th of the same month ex-Governor John P. Gaines was nominated in opposition by a convention of Know-nothings and Whigs held at Corvallis. The Democrats adopted a platform of principles, but the members of the Corvallis convention did not deem it wise to make any declaration further than "John P. Gaines against the world." There were good reasons for such reticence, however, for Knownothingism was on the wane and the Whig party had passed into the shadow of slavery in the nation, and was losing its hold upon all those who had resolved to resist the further encroachments of the slave power. There were, too, many members of the Freesoil, abolition and temperance parties, who could not be rallied under any declaration in opposition to their principles, but might vote in opposition to the Democracy.

Both candidates were good speakers and there was a spirited canvass, personal and partisan in the main, but no discussion of the paramount issues then before the country and in which the people of Oregon were vitally interested. The Kansas struggle had begun; the border ruffians had invaded the territory and carried the first election; the squatter sovereignty principle had swept away all barriers to slavery in the territories, thus reviving the question in Oregon, but upon all this or any part of it neither Lane nor Gaines ventured an argument or an opinion. Gaines was more fluent and graceful on the stump, in fact, was almost an orator, and quite gifted in the highly popular art of story-telling, in which his rival was deficient and seldom indulged, a disparity which gave the Whigs a lively hope of victory.

But the result at the polls was a sore disappointment. Lane received almost twice as many votes, 3986 to 2149, a result, at this distance of time, which I must think quite fortunate, as a different outcome would have been a temporary revival of the Whig party spirit and a postponement here of the real issue on which the Whigs refused to take sides as a party. Gaines was a Kentucky Whig whose opinions concerning slavery I never knew. As he was popular in his native State, likely he was of that indeterminate quality called conservative and discreetly silent upon the subject. As late as the spring of 1857 he was present at a meeting in Salem, publicly advertised to organize under the name Republican by the adoption of the Philadelphia platform, but at that time he was still desirous of pouring oil upon the troubled waters and had some resolutions prepared for that purpose. Being informed that the time for compromises had passed, the resolutions were not presented, and rather than precipitate a squabble which would have no better effect than to divide those who in the end would act together, the meeting was adjourned, without action, until the next Saturday, when the organization was effected, the ex-Governor being discreetly absent. So far as I have been able to learn, slavery was prohibited in Oregon without his help or hindrance, other than his vote.

The year 1856 is an epochal date in American political history. Several things happened to make it memorable, and chief among them, perhaps, was the uprising of a majority of the Northern people against the further extension of slavery and a deliberate determination to resist it at all hazards. It was a righteous resolution long delayed and long after forbearance had ceased to be a virtue. The repeal of the Missouri restriction in the spring of 1854 stung them into resistance, and as anti-Nebraska Whigs, Democrats and Know-nothings, they elected enough members to control the next Lower House of Congress. Likely at that time they had no well-defined and continuous plan of action, save an impulsive purpose to resist a great wrong and if possible undo

it. But when the time arrived for the meeting of the Thirty-fourth Congress, the current of events had carried the country beyond any thought of repeal. Squatter sovereignty was in the air and had come to stay. Many who had risen in wrath against the "Nebraska Iniquity" had become reconciled to Senator Douglas's great principle of non-intervention by Congress with the slavery question and permitting the people of the territories to settle it as applied to themselves. It was plausible; it sounded fair, and if only the white people of the territory were to be affected by their decision, it was undoubtedly democratic. It was heralded by the Senator as a measure of peace, but the experiment in Kansas was not reassuring to the admirers of orderly government. It was not a peaceful experiment governed by democratic methods, but an armed invasion from the beginning and aided and abetted by the pro-slavery administration at Washington. Senator Douglas, though declaring that he did not care whether slavery was voted up or voted down, was in favor of fair play for the "bona fide" residents of the territory—"The Little Giant" protested in vain; the giant of slavery, like Bunyan's, covered the whole way. Evidently, if the people of Kansas were to have fair play, or indeed the people of any other territory, the pro-slavery Democratic party must be driven from its place of power and the general government put into the hands of those who would administer it to establish justice and promote the general welfare.

As the Whig party was, at best, never more than non-committal upon the slavery question, and now, by the withdrawal of its anti-slavery elements and its dissensions concerning the Know-nothing delusion, was in the throes of dissolution, there was no alternative left for anti-slavery men but to organize such a party with this single purpose in view. Accordingly a call was issued for a convention to be held at Pittsburg on Washington's Birthday, at which time a committee was appointed to draft an address to the people of the United States, and another meeting appointed for the 17th of June, to be held in Independence Hall, Philadelphia. At

this adjourned convention a platform was adopted and candidates nominated for President and Vice-President of the nation.

The Democratic national convention met in Cincinnati on the 2d of June, when Senator Douglas's great principle of "squatter sovereignty" was for the first time formally adopted by the party, and James Buchanan, a pliant tool of the slave power, was nominated for President and John C. Breckinridge, a slave-holding propagandist, for Vice-President. Evidently, they were not despairing of success in subjugating Kansas to slavery with such a ticket as that aiding the "border outlaws," and there were some grounds for such hopes. Colonel Buford, with his regiment of South Carolinians and Georgians, had arrived upon the border, armed and equipped for invasion; Kansas was again overrun, Lawrence was sacked, some smaller places pillaged, a few murders committed, when Governor Geary called a halt upon such proceedings for fear of jeopardizing the election of the Democratic ticket, which then seemed imminent. He publicly declared that he was carrying James Buchanan upon his shoulders and that the peace must be preserved (until after election.)

The Know-nothings met in convention at Philadelphia on the 22d of February, at which Millard Fillmore was nominated for President, and September the 17th, what was left of the Whig party ratified the nomination at Baltimore. The issue of extension vs. non-extension was thus practically joined by the Republican and Democratic parties, with the opportunity afforded those who cling to reminiscences, of voting the trimmers' ticket, headed by Fillmore, who carried only one small State, Maryland. The canvass of that year was more earnest, searching, and provoking than any preceding one, and on the part of the Republicans, brim full of enthusiasm. Genuine enthusiasm is whole-souled and therefore involves the moral feelings. And the question before the people was one that took in all of man's attributes and aspirations, industrial, social, political and religious; and as

slavery is a menace to all of them and a bar to human progress, it is easy to see how void of material for evoking enthusiasm the covert advocates and apologists of slavery were in that notable and inspiring revival of 1856. They were, from the first, completely on the defensive. Indeed, slavery never had any defense except the fact of its existence and the difficulties in the way of its abolition, and when its supporters left this ground and desired its extension, they placed themselves in destructive antagonism to our form of government.

To the allegation of the Republicans that slavery is a relic of barbarism and an outlaw in the domain of morals, no reply could be given by the supporters of Buchanan and Fillmore. Senator Douglas did not defend the institution; the most he could say was that he did not care whether it was voted up or voted down by the people of the territories. What he and the Democrats were contending for was the squatter sovereignty method of settling the vexing question, and thus avoiding a dissolution of the Union. The arguments of both Whigs and Democrats were addressed to the fears and prejudices of the Northern people, and they laid great stress upon the fact that the Republican party was a sectional party, as though it were a condition the Republicans desired and for which they should be held accountable, instead of its being the direct and inevitable result of, and the severest indictment of the diabolical institution they were coddling. At this time, and looking backward, does it not seem incredible that a man of education and admitted refinement, a former President of the United States, could make such a denunciation and keep his face? Heated partisans might do it, or people not given to thinking, but that it should be adopted as a war cry, among an intelligent people, is almost past belief. Certainly it was a sectional party and wherefore?

Even accepting the Dred Scott decision, that the negro is not a citizen, not a man, and the Constitution did not recognize him as anything more than a chattel, yet it cannot be even supposed that white men must surrender their rights



and liberty in order to protect and extend such an exceptional institution. But this the white man of the South did continually and in increasing degree. To keep the negro safely ignorant, he must be ignorant himself. He must not talk of freedom, though living in a professedly free country. The hopes and aspirations of the human soul for deliverance from degrading conditions here must be eliminated from his prayers. At a period of the world's history when the human mind everywhere was engaged in the investigation of the practical problems of society, he isolated himself from the civilization of the nineteenth century. And if he chafed under such degrading restrictions and availed himself of the United States mails to become acquainted with the problems which most concerned him, he was reminded by the blazing contents of rifled mail bags, or the more grating tone of brute force, that the interests of slave-holders were paramount to the Constitution and laws of the Federal government. The incidental necessities arising out of the relation of master and slave were above and beyond all statutes and constituted the higher law of the slave code.

Wendell Phillips once exclaimed, "Commonwealth of Virginia! what a misnomer; it is a chronic insurrection." And such was the fact all over the South. The courts and legislatures of those States preserved some outward show of respect to the conscientious opinions of mankind, for they did not by statute and decision formally extinguish the white man's liberty, but they did not constitute the repressive agencies by which society was dominated. The mob was everywhere present and ever supreme. For the trial of those accused of being abolitionists, the higher law applied, and the mob was the court of first and last resort, whose acts, however atrocious, the lawful agencies of government never attempted to contravene, much less to punish.

At the time of the John Brown raid at Harper's Ferry, there was no ray of hope for any amelioration of social conditions in that benighted region. The moral lights of which Henry Clay and Abraham Lincoln delighted to speak, had

been blown out. The church, though at times admitting the relative duties of master and slave (servant), had no words of condemnation for that system of bondage practiced by its members, which destroyed the holy relations of husband and wife, parent and child, and reduced the bondman to the status of a brute. The colleges and schools were upon the same level. The doctrines of the revolutionary fathers had been a long time recanted and in their place was essayed the monstrous proposition, freshly canonized by the highest tribunal in the nation, that the negro had no rights which the white man was bound to respect. Our Southern brethren had molded the church, the school, and their State governments to conform to and uphold their pet institution, and signified their willingness to destroy the Union when it could be no longer used to promote their peculiar interests. In this respect the South, as a political, economic and social force, was solid. Vice-President Breckinridge could go into the free States and plead the compromises of the Constitution and Southern rights under them, but the Republican who went South to organize a Fremont Club would be considered reckless as to his personal safety. This was well known and consequently no attempt was made to contest the election in the slave States. But one man in the State of Kentucky, Cassius M. Clay, had the audacity to speak against slavery, and he bore the scars of many a bloody conflict. If slavery were to continue, our Southern brethren were not wrong in their means of continuance, for the system was founded in fraud and force and inseparable from them. The symbols of such a civilization were properly the bludgeon, scourge, gibbet, bowie knife and revolver. All this was as well understood in 1856 as now, but there were enough citizens of the North, actuated by fear or partisan spirit, to continue the Democratic party in power. Anti-slavery men were much pained by the defeat of Fremont, but after-occurrences reconciled them to that dispensation of Providence as being for the best. Neither the man nor the time had arrived for the

dreaded arbitrament of war, the only possible solution of the question at issue.

This retrospect is not indulged as being new to history, but as a side-light to the situation in Oregon at that time, whose people were in far more danger of the introduction of slavery among them than the people of Kansas were at any time. True, they were not harassed by any border ruffian invasion or any flagrant interference of the Washington administration, but their apathy or rather their slavish subservience to party discipline was truly appalling.

There was no election for President in the Territory in 1856; no lining up for the war of ballots, and therefore a good time for the people to consult together dispassionately regarding their mutual interests. But upon the great question which was profoundly agitating the nation, and especially as applicable to themselves, they were (with such exceptions as will be hereafter mentioned) as silent and uncommunicative as though such matters were light and trifling, or did not at all concern them. It must be kept in mind that more than three-fifths of the Oregon people were partisan Democrats, and as it was known that they were divided in opinion upon the question of slavery in Oregon, although they were united in support of the pro-slavery propaganda at Washington, it was the policy of the party managers not to permit any discussion of the question here, and take no party action whatever. Of course this appeared to be the only rational way to keep the party together. An outside observer, given to thinking, and assuming that Democratic people were sane, would infer at once that the party was held together to subserve some more important purpose than deciding whether Oregon should be a free or slave State, and he would inquire, "What?" No doubt he would be somewhat puzzled in his quest for the "what." Tariff, internal improvement by the general government, strict construction of the Constitution, national bank, compromises concerning slavery—or anything the party had ever professed—all had disappeared, swallowed up by the one over-shadowing ques-

tion, shall slavery be extended or restricted? And to this the party in Oregon and nearly all of its individual members, in its application to themselves, and over the great, grand region they inhabited, were non-committal, mum—yea, as silent as the grave. And this partisan program of silence was generally accepted by the rank and file of the party. No conventions were called to consult, as is deemed necessary to promote whatever else is desirable; no public or private discussion of the question so far as is known. They would not take opposition newspapers, attend free-state meetings, or tolerate questioning upon the subject by their free-state neighbors, at least if they were of different political antecedents. Those who had the temerity to inquire were, as a rule, answered uncivilly. One prominent and influential Democrat, upon being asked if he intended to vote for a slave State, asked in return, "Do you think I am a damned fool?"\* This was reassuring and if all would have answered in the same way, a census would have been practicable. But another one replied, "Why don't you Black Republicans stay at home and attend to your own business?" And this question about voting for a slave State was not put to these silent partisans to hector or tease them, but from a deep anxiety of the questioners as to the future condition of the State in which they had chosen to reside, had encountered great perils to reach, and from which they must emigrate provided slavery should be adopted. And, indeed, there were good grounds for their fears, other than the studied reticence of a majority of the people, before spoken of. Some pro-slavery Democrats, confident of the approval and patronage of the Washington administration, would not be silenced and were active advocates, by speech and press, of their opinions. And they were far more numerous than those Democrats of free-state proclivities who dared speak out. And of these latter some would say, "I shall vote against slavery, but if it carries I shall get me a 'nigger.'" Add to all these the fact

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\*Wesley Shannon.

of the great donations of land by the general government, section and half-section claims occupying the valleys of the richest portion of the Territory, and the scarcity and high price of labor, and we may not wonder at their anxiety. They had undoubtedly read in their histories of the frequent attempts of the settlers in Indiana Territory to obtain from Congress a temporary suspension of the anti-slavery ordinance of 1837, so they could obtain laborers to open their timbered farms, but the pioneers of Indiana were restricted in their land holdings as compared with the Oregonians. And it is a highly suggestive circumstance, contrasting strangely with the attitude of the powers at Washington in the year 1856, that John Randolph, a slave-holder of Virginia, wrote the answer denying their request, in part as follows: "In the salutary operation of this sagacious and benevolent restraint, it is believed that the inhabitants of Indiana will, at no very distant day, find ample remuneration for a temporary privation of labor and of emigration."

And one feature of our situation, more disquieting than all others, was the extreme partisanism evinced by the chief organ of the Oregon Democracy, *The Oregon Statesman*, which, though non-committal in its editorial columns and sparingly permitting communications, *pro* and *con* by prominent Democrats, yet was engaged so incessantly in a personal, partisan warfare with opposition papers devoted to the free-state cause, thereby subordinating all other questions of a political nature, that its influence must have been to obscure the only issue and befog the voters in its own party. Its editor and owner, Mr. Asahel Bush, an able and educated gentleman from Massachusetts, probably did not as a first choice select that style of journalism, but when it is determined by the party managers to ignore great public questions that are pressing for solution, the so-called "Oregon style" seems to be a necessary diversion. At such times, slang and innuendo, invective and scurrility, are much in demand, and the Oregon editors on both sides were deep in the game. The question, "who began it?" was never asked and probably

never will be, as it is unanswerable. Though Mr. Bush, by reputation, was a free-state man, and his paper neutral editorially, yet on account of its great circulation and autocratic influence, its course during those critical times gave great anxiety to the radical opponents of slavery. In truth *The Statesman* was intensely feared and hated by them. Presumably, many harsh judgments were formed concerning the editor of *The Statesman*—one of them, that he was following the lead of Senator Douglas and like him did not care whether slavery was voted up or voted down, so that his party survived the agitation. Of this, however, his opponents did not know. Others, more favorably disposed, conjectured that he had secretly polled his party and knew there was no danger from slavery. Of this they were equally ignorant. But certain it was, that he followed the trend and custom of the times, that of putting party before country, and thus reversing the rational order and purpose for which parties are formed, viz.: as *means* to an *end*, and that end the establishment of justice and securing the blessings of liberty to all the people. Mr. Bush was a young man during those times. Indeed, it was a young generation and did not thoroughly comprehend that mere party spirit is the principal menace to popular institutions, or, as Abraham Lincoln expressed it, a government of the people, by the people, and for the people. They had not heeded the warnings in Washington's farewell address to his countrymen, and were given over, intoxicated by the *esprit du corps*, to a control which was antagonistic to every principle of genuine democracy. As an illustration let me cite the case of a Connecticut-born Yankee, a local politician of considerable repute and withal a hater of slavery, who, in a speech made at Salem to a Democratic assembly, used the following language: "The paramount duty of Democrats now is to stick together, for I never expect to see anything good come outside of the Democratic party."\* This declaration was loudly cheered and met with no dissenting voice. And

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\*Ralph C. Geer.

this man was neither a fool nor a moral derelict, but an intelligent and, in all matters non-political, a fraternal and highly sympathetic neighbor, whose ancestors were of New England and rendered efficient service in the upbuilding of the American commonwealth. He was as good as his forbears, and his only misfortune, that he was saturated to blindness by the spirit of party which *The Oregon Statesman* was then aggravating.

Less than four years later, his party went to pieces on the question of slavery extension, for squatter sovereignty had proved to be a delusion and a snare to the propagandists, and they would have no more of it. Somewhat silenced by this event, he, with about two-fifths of his fellow partisans, stuck to the squatter sovereignty wing and met defeat along with their leader, Senator Douglas. Then came secession and the question of Union or disunion, when he had no alternative but to merge himself with the Republicans or go out with the South. Certainly, this was no dilemma, for every impulse and instinct of his nature had ever been for the whole country, one and indivisible. Thousands of Oregon Democrats were likewise impelled, but while they were ardent to support the administration of Lincoln, they could not bear the humiliation of accepting the name "Republican," to which they had so unfailingly attached the stigma "black," that they were under an automatic necessity of continuing them as one word. In this crisis, the Republicans of Oregon vindicated their title to patriotism by dropping the party name under which they had triumphed at the polls, and inviting their fellow citizens of whatever politics to unite with them under the simple and fitly describing appellation, the Union party. A few Republicans resented such surrender as a humiliation, and said, "the Democrats have been wrong and we have been right; let them come under our banner or remain out." But there was one conclusive, because rational, answer: "The Union is imperiled; all other questions are obsolete, and this is no time to be higgling about party names."

The Republican State Central Committee, consisting of H.

W. Corbett, E. D. Shattuck and W. C. Johnson, issued a call for a Union State Convention, to be held at Eugene City on the 9th of April, 1862. A majority of the Democratic committee refusing the invitation, the chairman, Samuel Hanna, joined in the call, likewise a majority of the influential Democrats of the State. Considering the depths to which partisanism had reduced them, this resurrection entitles them to membership in the class that cannot be fooled all the time.

Returning from this digression to the year 1856, I wish to remark concerning the frequent attempts made therein to stir up the people to a realizing sense of the importance of the impending question. But the Whigs, though always more independent than the Democrats, with few exceptions, were loath to make any move having the appearance of a withdrawal from the party of Webster and Clay. These two greatest leaders had passed from earth; Seward, Greeley, Sumner and Lincoln had joined the new Republican party, but the Whigs of Oregon, Micawber like, were waiting for something to turn up, which would put new life into their glorious old party. They could be depended upon to vote against the Democrats and most of them would speak out in favor of a free State, but beyond this the majority would not move. They were under no such restraint as the Democrats, from any liability of forfeiting their place in the Whig ranks. There was no proslavery Whig administration at Washington to punish them for utterances against slavery. If there had been, their party relations to the slavery question would have been very much altered. According to the theory of squatter sovereignty, a Democrat might vote for or against slavery, when a Territory is emerging to statehood; he could express his individual opinion by ballot at this time, but he could not promulgate it and give the reason for it or try to influence others and maintain his standing as a Democrat. If he did, he was thereafter considered a heretic, out of line of promotion or patronage, a punishment the dullest Democrat could feel and understand.

Our Southern brethren were very sensitive as to the moral



reputation of their beloved institution, and could bear anything better than to hear it called sinful and morally wrong, and if any Oregon Democrat in good standing was ever guilty of such an offense, during the years when the agitation was rife here, without losing caste, the incident has passed into oblivion and his name is unknown.

The foregoing estimate of the temper and attitude of the Oregon Democracy at that time I have sometimes heretofore expressed, and by some of them it was thought to be an extreme view of the situation, but such was my impression at the time, and after a lapse of fifty years, and the heat, and perhaps prejudice, engendered by the contest have passed with them, I am confident that my statement is rather under than in excess of the truth. The Hon. George H. Williams, at that time one of the Supreme Court judges, by appointment of President Pierce, and of course inclined to be lenient in his judgment as to his party and political brethren, in an address read before the Legislative Assembly, February 14th, 1899, on the occasion of its exercises commemorating the fortieth anniversary of the statehood of Oregon, spoke from manuscript, in part as follows:

“Whether Oregon should be a free or slave State, had now become (1857) the paramount issue in our local politics. A paper had been started at Corvallis, called *The Messenger*, to advocate the establishment of slavery in Oregon. I was a Democrat, but in early life imbibed prejudices against slavery that to some extent diluted my Democracy. Many of the most influential Democrats, with General Lane at their head, were active for slavery, and there was little or nothing said or done among the Democrats on the other side of the question. I prepared and published in *The Oregon Statesman* an address to the people, filling one page of that paper, in which I enforced, with all the arguments at my command, the inexpediency of establishing slavery in Oregon. I am not aware that any public speech or address was made on that side of the question by any other Democrat in the Territory. Many Democrats in private conversation expressed their opposition to slavery, but they spoke ‘with bated breath and whispering humbleness,’ for the dominating spirit in the Democratic

party was favorable to slavery. I flattered myself, vainly perhaps, that I had a fair chance to be one of the first United States Senators from Oregon, but with this address that chance vanished like the pictures of a morning dream. I was unsound on the slavery question."

The address Judge Williams refers to was called by Whigs and Republicans, his "Free State Letter," and by ardent pro-slavery Democrats, his "Infamous Letter." Concerning it the silent Democrats were still silent. If the Judge ever received any congratulations from them, he has never said, but he got many curses from the enemy. The "Free State Letter" was an able and timely document, and there is no better evidence of its worth as a convincing argument, at that time and under the circumstances, than the malignity with which its author was assailed by the partisans of slavery.\* The moral tone of the letter was not up to the standard of anti-slavery men from ethical principles, and such were disappointed. Some of them, however, were sagacious enough to see that such a letter would have been inopportune. There was no word in that letter belittling the altruistic and moral qualities of human nature, and, forsooth, those in the minority who were governed by them, stood in no need of the Judge's demonstrations. And, as evidently, the rabid advocates of slavery were incorrigible. The Judge had lived long enough to know that the question would be decided by the unsentimental, common-sense people who would look at it from a practical standpoint and with special reference to their own personal interests. And this class, in varying proportion, constitute the great majority of human beings in every country and at all times. It was this preponderating element which the Judge expected to reach and prompt to a thoughtful examination of the practical phases of slavery in this country of mountains and valleys, sequestered and uninhabited nooks and canyons, affording hiding places at all seasons for fugitives from service and thus reducing the profits of cheap slave labor to a negative quantity. The Oregon country is

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\* See the reprint of it in the paper next following this article.

far less adapted to slave labor than New Mexico, which Webster said was protected from slavery by the laws of God, for the climate here is unsuited to the negro and to the products of his profitable toil, all of which was made so plain in the Judge's letter that the wayfaring man, though a fool, could understand.

After the circulation of this address, any observing person could notice that a change was taking place; any sensitive person could feel it. The people for whom the address was intended were beginning to discover themselves and think aloud. And I assert that what is here written is no after-thought, but the result of inquiry and observation made at the time. The "Free State Letter" was published in the year 1857, July 28th; the question of State organization was carried at the June election; at the same time, delegates to a Constitutional Convention were elected and the convention submitted its work, to be voted on on the 9th of November following.

Passing up the valley through Lane County in October, I fell in company with Campbell Chrisman, whom I had not met since we started across the plains in the spring of 1851. He gave me a pressing invitation to go home with him for a night's visit, but I parried the invitation by pleading haste to reach Roseburg, where I expected to overtake an absconding debtor for whom I had signed to the amount of several hundred dollars. Mr. Chrisman said that his house on the Coast Fork road was not out of my way and a better one to travel. Finding myself out of excuses, I candidly told him my real objections to a night's talk, for knowing him to have been a slave-holder in Missouri and a very firm, tenacious and unchangeable sort of character, I said, "Mr. Chrisman, there is no use asking me to go with you, for I am a free-state man and not convertible." He instantly replied, "So am I." I was rather taken aback by this disclosure and queried how this came about. He replied, "Easy enough, Judge Williams is right; slavery in this country would cost more than it would come to." After this we talked freely

and he informed me that several of his old neighbors from the Platte Purchase (Missouri) had changed their minds and would vote for a free State. He furthermore said that in his opinion Lane County would have gone for slavery six months earlier, but would not in November. At Roseburg, the home of General Lane and Judge M. P. Deady, whose influence, whether authorized or not, was in favor of the institution, I learned from a Reverend Anderson that the tide had turned, and that he met with surprises every day. In Rogue River Valley I was assured by my cousins that the tide was running out quite rapidly. The noisy slavocrats of Jackson County had been claiming that county for slavery, but many people were exercising their fancy in supposing the consequences that might ensue when runaway niggers should get with the Modoc and Klamath Indians. The picture was not agreeable. The people of Southern Oregon had had enough of Indian warfare. The aforementioned impediments to slavery extension, as well as others, were brought to the front by the Judge, in plain straightforward and forcible language, which no doubt set the people to thinking more connectedly and comprehensively than they otherwise would; and while the effects of such a lesson in ratiocination may not be estimated with any approach to accuracy, I am confident that it was the most timely and the most effective appeal published during the whole of the controversy.

When arriving at this point in my dissertation, I sought in the several histories of Oregon for what had been written relative to the Judge's "Free State Letter," but could find nothing. Neither the letter nor any descriptive mention of it is to be found in Bancroft's, though it is prolix, even redundant in things trivial by comparison. He records that a Republican convention was held at Albany on the 14th of February, just a short time before the said address came out, and really the most important meeting of Republicans, up to that time, as well as a cheering evidence that the anti-slavery cause was growing, but the influence of that gathering was not sufficient to put a candidate in the field in opposition to

the Democracy. Republican conventions were in the right direction and therefore rational, but about all they could expect to accomplish was to enlist the waiting, backward Whigs in the movement. As vote-getters by proclamations and addresses, in time to be of service at the election on the Constitution, supposed to be near at hand, they were confessedly impotent. The Democracy were still impervious and would continue to be so against any of the devices of the Black Republicans. What was needed at this juncture was just what happened—an earnest, thoughtful communication from one who could not be accused of having any designs on the unity and harmony of the Democratic party. And Judge Williams, being free from entangling complicity with cliques and rings, as well as being the recipient of more general public confidence than any other Democrat, was certainly the right man in the right place. But if the supreme problem at that time was to make Oregon a free State, and surely it was the most momentous crisis in its history, why has the letter been omitted by the historians? One man, in answer to this query, said: “The Judge’s letter was pitched on too low a key to suit the sensitive nerves of Mrs. Victor, who was Bancroft’s Oregon historian.”

There are a good many incidents and conditions that grate upon the nerves of a sensitive historian, but historians must not forget that average human nature, though progressive, is at present pitched on a low key. The great bulk of human motives and human actions are based on that key, and cannot be understood in their causal relations while the key-note is protested. Call altruism the high key and egoism the low key, but either alone is not the key of human nature and never will be. Either alone is abnormal; both combined are essential and interdependent. Our moralists would have had Judge Williams say to his Democratic brethren, “The negro is a brother man and therefore entitled to equal rights with yourselves, and to make a slave of him is a sin and shame.” How would that kind of preaching have told at the polls in November? The people of Oregon did not believe in such broad fraternity. A few of them did. Notwithstanding

emancipation and the great advance of altruism since, the people of the United States do not believe it now. Some do. That is the best we can say. The moral protest against wrong is ever with us and ever in the minority, until the reflex consequences become damaging to self, then reformation begins. The slaughter of the negroes in Georgia seemed to be a tide without an ebb, until the bank clearances of Atlanta showed a decline of millions and other business was prostrated, then began a protest against injustice to the negro. So it ever is; we learn by experience that honesty is the best policy, and that the practice of injustice reacts upon ourselves. And that was all that Judge Williams tried to teach the Oregonians of 1857, and thus save them the expense and turmoil of experience.

One of the Salem "clique," speaking recently of the reason for the omission of the Judge's "Free State Letter," or any descriptive mention of it by the writers of Oregon history, said it was because of its being only a campaign document in the interest of his candidacy for the United States Senate. Such an allegation, by an opponent of the Judge, might have answered a temporary purpose at that time, but at this late date it must be considered a humorous sally at the Oregon historians or a thoughtless remark scarcely deserving serious refutation. For it is not supposable that a person having the requisite accomplishments for writing history would leave out an important fact in the trend of events because the motive of it did not come up to his altruistic standard. If all human actions containing an ingredient of selfishness were to be excluded from history, its pages would consist mostly of blanks. True, there are actions free from selfish purpose—oh, how few! But there is no such history, and that society may consider itself far in advance where human actions are mixed half and half.

Let us admit, as the Judge has, that he aspired to the United States Senate, and then inquire why his ambition should affect the value of such a document at such a time and in such a crisis. There is no question as to its pertinence,

none as to its promoting the moral well-being of society, and none as to the right or propriety of an American citizen cherishing an ambition for political preferment and promoting it by laudable means. Indeed, can any one conceive of any better or higher bid for official honors than that a citizen has shown his loyalty to popular institutions by his conduct, by his acts, whether letters, speeches or public-spirited affiliations? If the Judge expected to advance his candidacy by becoming an open and avowed opponent of slavery extension, he was in a most profound state of ignorant as to the means of advancement in his party. He certainly knew that party harmony was essential to official promotion, and he also knew that silence on the slavery question and acquiescence in the doings of the pro-slavery administration at Washington were absolutely essential to any sort of promotion in the Democratic party. He knew all this and was not such a child as envious aspirants in his own party affected to believe, viz., that he expected his "Free State Letter" to raise a tidal wave that would carry him triumphantly to the Senate. Everybody who has seen Judge Williams, or has had any conversation with him, or has heard him speak, is impressed with the conviction that he is far removed from a fanatic or visionary, and when he wrote that "Free State Letter" in the summer of 1857, he was cognizant of the stupid silence of his brother Democrats and knew the reason for it, that it was to avoid dissension fatal to individual aspiration for advancement. The Judge was warned in advance by Mr. Bush, who was favorable to its publication, that it would "fix him," but despite the warning he performed a much-needed public service for which posterity will gratefully remember him, when the names of the obsequiously silent partisans shall have sunk into oblivion. Evidently the Judge was in error as to one purpose then, and which he essayed again in 1860, that was his hope or belief that his party could be weaned from slavery by working on the inside. Reforming political parties organized on the spoils system, by working on the inside, has been attempted several times since.

but with no avail. In the number of *The Oregon Statesman* containing the Judge's letter (July 28th, 1857), Mr. Bush remarked editorially as follows, to-wit: "We publish a long letter from Judge Williams, on the slavery question, this week, but have room only to call attention to it. It is written in a spirit of inquiry and moderation, and if his facts and arguments do not convince the reader's judgment, the spirit and manner of this letter must command his approval."

And still the inquiry, Why was this able and adroit letter omitted by the historians? Simply because—in the slang of the day—they did not "catch on." They did not maturely consider the causal relation of things.

One of the very few exceptions in the rank and file of the Democratic party I may mention was a lowland Scotchman from Newcastle upon Tyne, settled upon a section claim, some two or three miles south of Salem. Born to toil, he early began lucrative employment as a breaker-boy in the mines, later a mule driver underground, and, keeping pace with his physical powers, he rose to the work of a full-pay miner. To avoid strikes and lockouts he, in company with his father's family, emigrated to America in the year 1840, and finding the strike prevalent in Pennsylvania, worked his way westward and across the plains to the Oregon Territory in the year 1844. Like nearly all foreigners coming to this country, he joined the Democracy, under the mistaken notion that the party stood for real democracy. Up to the time when slavery became a question here and the party discipline of suppression began, this adopted citizen experienced no interference with his opinions as to the duties of citizenship, of which by this time, as Mark Twain said of his own morals, he had accumulated a full stock. As a result of the closed season the party harness did not fit him even a little bit. Although his book education had not exceeded the three R's, he was an omnivorous reader and an incessant self-disciplinarian, and taking this along with his inheritance of the three B's—brain and brawn and Burns—he made an unreliable party slave. Indeed, what can be hoped for in such obedience from a man



who enlivens his daily toil by "crooning o'er some old Scotch sonnet," believes that "a man is a man for a' that and a' that," whose chief delight is in working on the social environment and who is satisfied with an equitable share of the usufruct? Well, John Minto, though at that time not a public character, as he afterwards became, did not speak his mind with "bated breath and whispering humbleness."

Returning to the year 1856, I notice that a "Free State" meeting was held at Lebanon, Linn County, which I attended, and though the numbers were few, the exercises were high-class and encouraging to those who have faith in the ultimate triumph of truth. John Connor, J. B. Condon and Hugh N. George were the principal speakers, and Mr. George delivered a prepared speech of an hour's length, which showed him to be capable of much excellence as a public speaker. This was the beginning of my acquaintance with those good men, and of more intimate and confidential relations with Mr. Connor (usually called Squire Connor), which continued until his demise half a century later. He was a man of positive and reliable character, of strong convictions, great firmness of purpose, sagacious and so much above wavering in moral and social conduct that he had a sort of unobtrusive contempt for the policy men who are ever trying to follow the line of least resistance. He was bold to declare and defend his opinions, and even this early was impatient to nail the Republican flag to the mast and sail under no false colors. To a later meeting, held at Albany in the fall, he gave the cue in a trenchant fifteen-minute speech in which he said: "We unfurl our banner to the breeze inscribed, free speech, free labor, a free press, a free state, and Fremont." Of course such a magnetic declaration could not be other than the voice of the convention. If all the Whigs who later joined the Republican ranks had been of Mr. Connor's ardent spirit, the party would have had an earlier and more strenuous nativity. Mr. Condon and Hugh N. George I seldom met, but I knew of them as unswerving in their support of correct principles, and the latter I considered the ablest man in the county, and second to but

few in the State. He was not, as a speaker, as forcible as Delazon Smith, but in breadth of intellectual grasp and as an acute thinker he was much superior. One humorously cynical citizen who was well acquainted with Mr. Smith's oratorical efforts, remarked that "Delusion" was a big gun on the stump but that, like big metal guns, he required to be loaded to do effective work. He had observed that when Smith got from under the control of the "Salem clique" his speeches lacked pith and marrow. This was a rather severe animadversion, but others had observed a change without attributing a cause. There was, however, a probable reason, and it might have been this which I shall put in words.

As a consequence of the break between Senator Douglas and the Buchanan administration, about the Lecompton Constitution, a silent cleavage was soon perceptible in the Oregon Democracy, General Lane and his friends (among them Delazon) taking the side of the administration, and the "Salem clique" *et al.* ranging with Douglas. It was in the main a rearrangement of the partisan units with reference to the new assumption of the extensionists, that slave property is protected in the territories by the Constitution, without consulting the squatter sovereigns. The two wings here continued to act together for a short time, but in their private conferences were quite distinct. Delazon's associates in the pro-slavery wing were a non-progressive sort of folk whose intellectual atmosphere was unfavorable to thought-laden oratory. Hence his decline.

I here notice an unsuccessful attempt to organize the Republican party in Marion County, in the fall of the same year. The writer spent several days in a house-to-house visitation in the eastern part of the county, inviting those supposed to be favorable to the movement to attend at the Hunt school house on the 11th of October, which about thirty promised to do. On the day appointed six persons appeared—Paul Crandall, Orange Jacobs, Rice Dunbar, E. N. Cooke, Dr. Benjamin Davenport and T. W. Davenport, all of them whilom Whigs, but wise enough to see that a non-committal party has no

excuse for existence. A very interesting conference ensued; a committee was appointed to stir up the apathetic Whigs and invite them to attend the next meeting, but nothing further came of it. The secretary left out of his report, printed in *The Oregon Argus*, the name of Dr. Benjamin Davenport and omitted to state the place of meeting, which was credited to Silverton, seven miles distant, and it was so included by the Bancroft historian.

The time was not ripe; but there was one consolation, the people sooner or later comprehend and move. There were three more at our meeting than attended Abraham Lincoln's first meeting. He made the only speech on that occasion, and it was short and to the point. He said: "I knew that Herson would be here and I knew that I would be here, but the third person present is more than I expected. Now let us go out and talk to the people." It was sometime, however, and after much talking, that the people heeded the call and were able to leave the old pro-slavery and non-committal parties. So it always is. Nothing short of an earthquake or something similar can sunder the ties of an average partisan.

The proposition to form a State government, submitted to the people by the Legislature of 1853, was defeated at the next June election by a vote of 869; submitted again in 1854, it was defeated in 1855 by a vote of 413; submitted again in 1855, it was defeated in 1856 by a vote of 249. It was submitted again in 1856 and judging from the decline in the opposition to it, that it would carry at the next election, the Legislature provided that at the June election of 1857 delegates should be elected to the Constitutional Convention which should assemble at Salem on the second Monday of August next thereafter, in case the Constitution carried. The Territory at that time had a population of about 45,000, not nearly enough to entitle it to one member of Congress, according to the ruling ratio, but the number of Democratic aspirants to office and the need of three more Democrats in Congress who would side with the South on all questions affecting the institution, were of the necessities which knew no law.

Really the people were worn out by the incessant importunities of the self-seeking politicians, and obtained an easement by giving 5593 majority in favor of a State government. In the election of delegates to the Constitutional Convention, there was successful opposition to the Democrats in four counties, but not enough to speak of. The ratio stood about five to one. General Lane was again successful over his opponent, George W. Lawson, an independent Democrat of free-state proclivities, who was defeated by the usual majority. Mr. Lawson was a fluent and entertaining speaker and probably polled the full strength of the opposition. He discussed a great number of topics, while the real issue was not brought to the front. In after years he affiliated with the Republicans, but in the main disappeared from politics in the practice of his profession, the law.

There was one remarkable feature of the slavery agitation in Oregon preceding the vote upon the Constitution, and that was the lack of agitation. As one of the surviving Democrats remarked recently, "There was not much agitation." Certainly there was not, such as Wendell Phillips and Sam Lewis produced east of the Rocky Mountains. All parties assembled at their meetings; opposing ingredients are necessary to constitute an agitation. No such opportunity occurred here for reasons already stated. The number of Whigs who were willing to be known as Republicans was very small, and the papers in opposition to the Democracy, *The Oregonian* and *The Argus*, had a very limited circulation, twelve or fifteen hundred each, taken mostly by the same persons, and therefore did not reach one-eighth of the people. And furthermore, of necessity their function was not so much agitation as segregation. With them, as with *The Statesman*, the warfare in great part, was personal and partisan, a condition which may seem deplorable, but such was human nature in the nineteenth century and may be as much so in the twentieth.

The Chinese are not entirely wrong when they thunder with gongs to inspire and increase their own numbers and distract their foes, and Americans acknowledge it when they

try to drown the still, small voice of reason and conscience with the blare of brass bands and the hubbub of political parade. Noise and numbers everywhere have their uses in attracting the rabble, and the rabble vote in the United States. At the ballot box they count for as much as self-governing people, and, indeed, there is no visible line of demarcation between them. More than the rabble get into the bandwagon. They are of the people, and even in this country we are still quoting with more or less approval, "*vox populi vox Dei*," which, properly translated, means that in republic the majority must rule. Human beings claim to be rational—many of them are, and their numbers are increasing, but too many from sheer indolence are carried along by the crowd, too many follow the successful bully and black-guard, too many are herded, like cattle, by a master, though his impaling horns are no more formidable than irony, sarcasm and invective. It was so in Oregon at the time of which we write, though it is less true now, and very likely if the Democratic organ had been in the hands of a weak man the party would have suffered disintegration. But its editor was far from being a weak person. His talent for control was of a high order, as suited to his party and the time. A ready and trenchant writer, with an active and vigorous temperament, a taste and capacity for minute inquiry, a thorough knowledge of the inclinations and idiosyncrasies of his political brethren, possessed of a vinegary sort of wit, and a humor bitter or sweet according to destination, he was the most influential and feared of any man in the Territory. He was a past-master in the art of politics then, which compared with the boss politics of the last ten years was mild and beneficent. He was also credited (whether truly or not no one may say) with being the head of the "Salem clique," which though much reviled in those days has passed unscathed by time, and no allegation was ever made that the "clique" was composed of any other than honest and honorable men, either as private citizens or partisans. Only the name "Salem clique" was against them. But this must be remembered, they all went

into the Union party and gave Lincoln's administration cordial support. When the call for the Union convention was being made, some Republicans objected to going in with the "Salem clique," and one of the clique, B. F. Harding, proposed that the "call" should be to all citizens regardless of previous political affiliations, excepting the "Salem clique," an idea so preposterous that the objectors did the principal laughing.

Such qualities as the *Statesman* editor possessed, made his office at once a harbor of refuge, the headquarters of offense, an arsenal of assault against the quips and anathemas of its foes, and by such employment rendered its party unconscious of the actinic rays of civilization which everywhere else were dispelling the gloom of the still surviving barbarism. In this aspect was it not a criminal conspiracy against light and knowledge, as truly so as any partisan purpose for merely personal ends? Of course I recognize this to be an after-view, from a standpoint elevated by years of costly experiences and social accumulations of an ethical and economic character, and therefore not a proper estimate of individual character at that time, but partisanism, though declining, is still in the ascendant and is as great a menace to progress in truly democratic government as ever. In the editor of *The Oregon Argus*, William L. Adams, the *Statesman* editor found a foeman worthy of his steel. He is described by George H. Himes in his history of the press of Oregon as a "forcible political writer and speaker," also as "a master of cutting invective; fearless and audacious to the fullest degree; had the pugnacity of a bulldog, never happier than when lampooning his opponents, and his efforts were untiring." No doubt these were the qualities called into active exercise by the kind of politics which ruled in Oregon during Mr. Adams' career as editor of *The Argus*, but a larger view should be taken of him. Before coming to Oregon he had been a teacher and preacher in the Campbellite denomination and held his principal function and duty in life to be that of a reformer, a worker for the dissemination of truth, and was

therefore a legitimate agitator for the promotion of temperance, anti-slavery, and whatever else would advance the fraternal spirit among men. And although this was his predominating characteristic, he was not fitted to carry forward the work against unscrupulous opposition, by mild and seductive appeals, under a non-resistant flag, and the arrogant, rollicksome, uninquiring, pro-slavery Democracy, then dominant here, brought all of Adams' faculties into full play. And however much the so-called "Oregon style" may be denounced as a passing phase of rude pioneer journalism, there is no question in my mind as to Mr. Adams' place, and that he was the chief informer, energizer, and rally center of the distinctively anti-slavery forces of that day and generation.

Before the days of impersonal journalism, the name of a newspaper and its editors were convertible terms. The *New York Tribune* meant Greeley; the *New York Herald*, Bennett; *The Times*, Raymond; *The Oregon Statesman*, Bush; and while W. L. Adams stood for as much in his limited sphere as either of the foregoing, it would be hardly fair to credit him with all *The Argus* accomplished in Oregon. He had for his foreman in the printing office an anti-slavery Kentuckian who, in point of acquirements adapted to the newspaper business, very luckily, was his superior. So, in fact the *Argus* was double-headed. Having noticed in several numbers of the paper very able articles outside of the editorial columns and without signature, I inquired of Mr. Adams as to their author. In response, he asked: "Have you never met the foreman of the office, Mr. D. W. Craig? If you haven't, better lose no more time but get acquainted, for he is a walking encyclopedia." He further stated that the articles I admired were composed by Dr. Craig as they were set up at the case, a feat which he did not believe could be equaled on the Pacific Coast. And thus my acquaintance with Mr. Craig began, and has continued with increasing confidence ever since. One incident occurred at this first meeting which is worthy of notice. In speaking of the prospect of emancipation in his native State, which he thought probable, I expressed the

opinion that the Southern people were not virtuous enough to emancipate their slaves, voluntarily, and that nothing short of adversity would compel them. This was an estimate of his people which he resented with observable warmth of manner, but in temperate language, showing a provincial spirit quite new to me. Still, I was at fault, in not then comprehending that the beneficiaries of privilege, whether North or South, East or West, never let go except upon compulsion. After fifty-two years of experience, we smile when recollecting our youthful ignorance, but we have advanced and are still advancing, in the only possible way for human beings, by groping. For further information concerning the educational antecedents of Mr. Craig's Oregon career, see Mr. Himes' Press History, before mentioned.

One of the most conspicuous figures in Oregon during the time between 1850 and 1860, was T. J. Dryer, editor of *The Oregonian* newspaper. He was a fluent, effervescent and popular speaker and writer; in politics a Whig with a lineage reaching back to the Revolutionary War, and with never a doubt that anything the Whig party proposed was right and needed no vindication, and that everything the Democrats favored was wrong and deserved nothing but denunciation. Hence, as the Democratic party was the preferred instrument for advancing the slave-holding interest, Mr. Dryer, from the habit of opposition as well as from principle, naturally fell into the ranks of the free-state men of Oregon, who proclaimed themselves as such. One writer whose article upon that subject was published in the OREGON HISTORICAL QUARTERLY, makes Mr. Dryer the chief influence and factor of resistance to the adoption of the institution in this State, but from what I saw of *The Oregonian* in those days, and a recollection of my impressions formed at the time, I am quite sure that Mr. Dryer's services in that connection are much over-rated by his biographical friend. *The Oregonian* was a distinctively Whig journal with incidental anti-slavery proclivities, and remained so for two years after the birth of the Republican party, its editor, Mr. Dryer, appearing for the



first time in a Republican convention in the year 1858. Certainly, I have not the least shadow of prejudice towards him, but I know how distinctively anti-slavery men felt and thought at the time, and that he was not regarded by them as the consistent, unwavering champion of their cause. To reassure myself as to the correctness of my opinion I took a retrospective glance to the Republican State convention of 1858, when it was required that all persons who had received votes on the informal ballot for Representative in Congress should state whether they could stand upon the platform previously adopted. Mr. Dryer remarked that the gentlemen who required such a test of him had not been readers of *The Oregonian*. Surely they had, but unconsciously their opinions derived therefrom were not of the stamp which come from paramount devotion to a great and pressing principle. No such test was supposed to be intended for W. L. Adams, John R. McBride, W. Carey Johnson, W. D. Hare and some others in attendance, for the paramount issue as to them was in the front and undoubted.

Likely Mr. Dryer's convivial habits had much to do in producing certain moods unfavorable to consistency of purpose or principle, and the editor of *The Statesman* never wasted ink in refuting *The Oregonian's* editorials; there was sufficient satisfaction in referring to them as cogitations of Toddy Jep, a name the initials of which he could not disown and the meaning of which he would not discuss. I think, however, that he was not habitually of that disposition, but once or twice is enough to establish a reputation in hot partisan times. And while upon this topic, it may be serviceable to notice how an epithet or name which by apt and descriptive allusion causes a laugh or sneer, may divert men from the contemplation of a problem and thereby hinder or produce profound political results. Human beings seem to have an instinctive knowledge of such craft, and resort to it oftener than is profitable. This was especially noticeable in the "Oregon style" of journalism. *The Statesman* editor uniformly referred to the editor of *The Oregon Argus* as "Parson

Billy of the Airgoose," which contained a hint of Mr. Adams' peculiar religious notions and reform ideas concerning temperance, etc. While this caused a chuckle among stationary moss-backs, it meant no serious obstacle to the propagation of Mr. Adams' views as to what society ought to be. He, on the other hand, was too earnest to be humorous and when he attempted the role it was little short of abuse. *The Statesman* gave much space to advertising the medicine of a certain Dr. Czapky of California, who recommended it as a restorer of lost manhood, and Adams dubbed *The Statesman* "Czapky's organ," and went so far as to intimate that its editor took pay in medicine. Such a kind of humor would be called savagery in a staid Christian community. It might cause a grin on the face of a ghoul. Mr. Bush could counter any sort of a blow, and *The Statesman* contained a paragraph in one number announcing a law suit in Oregon City, concerning the ownership of a horse, in which Editor Adams was interested, and that he and a co-conspirator were seen pulling white hairs from the horse's forehead, to deface the mark of identification. No published denial or reply was ever seen in *The Argus*, though watched for by those persons who took an interest in the newspaper warfare, and in a week or so *The Statesman* contained a correction which released Mr. Adams, and as no names were ever given as to the two hair extractors, it was plain that the incident had been manufactured from the raw material. Knowing Adams to be a man of undoubted pluck as well as a high sense of honor and personal consequence, I knew that he would not let a charge like that pass unnoticed, so, happening to *The Argus* office soon afterwards, I pumped him as to the horse incident. Without a smile or reply, he took from his private drawer a copy of a letter he had written to Mr. Bush, threatening him with condign punishment if he did not retract that libel, which in fact it was.

No doubt Mr. Bush had many a hearty, side-aching laugh when he fancied Adams squirming under the law of an eye for an eye and a tooth for a tooth. The so-called "Oregon

style" is sometimes referred to as though it was a phase of personal controversy indicative of border ruffianism, and that could never occur again for want of a fretful border of civilization to produce it. But this shows how apt we are to accept a false judgment put up in portable shape, like cartridges that can be used at a moment's notice and saves the trouble of re-examination. But I am bold to declare that the "Oregon style" was as much superior to the personal gratings which may be seen in almost any number of the present day *New York Tribune*, as the wit of an Irishman is to the raw slang of an English butcher. What samples I have given of the "Oregon style" contain *prima facie* evidence that the pioneer editors of Oregon were men of imagination and could put wings to their scorpions.

There was one item in *The Statesman*, penned no doubt by the editor, for which he will never be forgiven, neither in this world nor the world to come. Dr. James McBride, an early pioneer and a most estimable citizen, as well as a very useful member of society, being both a preacher and a practicing physician, was appointed by President Lincoln to some diplomatic post in the Sandwich Islands. Soon after the appointment, there was a published inquiry as to the whereabouts of the Doctor, to which *The Statesman* responded that the last seen of him, he was straddle of his cayuse, riding down along the coast and looking for "the ford." That the editor who perpetrated this heartless assault upon even a Black Republican, is still living after a lapse of nearly half a century, goes to prove that he carries the mark of Cain.

Human society anywhere is not on a dead level. Like the surface of the earth upon which it dwells, there are heights and depths, gentle savannahs and repulsive jungles; and as in the landscape the heights soonest catch and rivet our attention, and serve as monuments from which to fix its boundaries, so, in recording an epoch or phase of human development, we get our attention fixed upon prominent characters or those in the van of the movement, and thereby come to consider them its motive or propelling force, when in fact

and generally, they are only the indices of a selective and energizing spirit pervading the whole. The anti-slavery crusade east of the Rocky Mountains was quite analogous to the foregoing, and the prominences were more noticeable than any within the purview of our history. We had no Wendell Phillips to enchain the ear with his inspiring music of freedom and justice; no Sam. Lewis to dispel with his calm presence the fogs of prejudice, revive the dormant conscience, bring the altruistic faculties to the front and expand the sphere of fraternity to include the slave; no Lincoln or Seward to point the practical truth that slavery of a part degrades the whole; no Henry Ward Beecher to electrify Christians with a passion for practical Christianity. Still, there were men here who, if not so highly endowed, were as courageous and devoted and acted as wisely according to their peculiar conditions as their brethren of the East. It is probable, or at least possible, that a great orator could have attracted an audience of silent Democrats and Micawber Whigs, and thus have broken the spell of suppression that ruled here for three years, but certain it is that our anti-slavery men were not so competent. And so the agitation was limited almost entirely to private proselyting and personal influence, which, though often spoken of as inconsiderable, are more effective and permanent than a majority of orations.

Jesse Applegate, a man of scholarly tastes and habits, and by common consent called "the Sage of Yoncalla," was not gifted for public speech and left such exhibition to others less diffident or more fluent of tongue, but his influence was more potent than that of the orators. Daniel Waldo was another fire-side orator, full to overflowing of trenchant wisdom, and who, by the strength of ideas and the spell of conviction, swayed a large circle of acquaintances. Every locality had such men; quiet, foresighted, persistent characters whose "daily walk and conversation" was an education and an inspiration to those who lingered behind in the path of progress. The influence of such people does not depend principally upon the public advocacy of their opinions; they

are not intentional demagogues of any degree, but along with and enlivening their avocations is an emanation of mind and feeling which molds and modifies public opinion and continually makes for righteousness. When viewed with reference to the influence they exert upon society, such persons are prominences in the social landscape, but we Americans have become so accustomed to rating men by their success in partisan politics, speech-making and egotism, that we overlook this important part of the commonwealth. If the question were put to the school children, as to the principal men of a county or State, they would look in the official directory to see who had been elected to fill the public offices, when everybody knows that, in the main, the offices have been filled by machine methods and from among those who, from one selfish reason or another, aspire to office. If this statement is doubted by the reader let him ponder the assertion, often heard, that the reason why politics and government have become so corrupt is because the best men will not take office; which is the same as saying that they will not contest with the self-seekers in the political arena. There are times, however, when public affairs get so insufferably corrupt that the people take a spasm of virtue or common sense, jump the partisan game and elect men who are faithful public servants. But so far in our political history such spasms have not been durable. So, the reader may be informed that men who are mentioned herein as influential factors of civilization, are rated independently of the official standard.

William Greenwood, of Howell Prairie, was a man about whom people delighted to gather, not because he was an educator of the class of Waldo and Applegate, but from a peculiar and pleasing dignity of manner and a large hospitality that made his household an agreeable place of sojourn. Abler men than he met at his board to discuss public questions. While he, an illiterate Virginia gentleman, answered vagaries with smiles, and whose corn-field sagacity generally pointed the right way. I recollect of meeting a goodly number of Republicans at his house for the purpose of considering

whether the party had not fulfilled its mission and should be terminated, before it had reached the extreme danger point and become like the Democratic party before the war, a constant and increasing menace to the liberties of the people. I do not recollect all who were in attendance, but they were members of the old guard; men who cared nothing for party except as ancillary to the public interests, and who dreaded the miasma of mere party spirit. Major Magone was there, as he always was when discussion was the order of the day, and the opinion was prevalent that the party was getting off the Lincoln track, and that something must be done to arrest it. We could see very plainly what was producing the political degeneration—the spoils of office beckoning greedy human nature on to places of profit and power—but how to eliminate or mollify the spoils system of politics we had no comprehension, and as to the possibility of elevating the standard of civic righteousness, we had no faith. Stop the victorious Republican party!! What an idea!! We might as well have talked of arresting Niagara in its plunge. And the evils of partisanship were then only incipient, and the people were not cognizant of them. They had not been punished enough to awaken them. The meeting so far as related to practical matters, was ridiculous enough, and our host likened the proposal to stop the office-seekers, to driving hogs away from the trough while it contained swill.

## THE "FREE-STATE LETTER" OF JUDGE GEORGE H. WILLIAMS.\*

### SLAVERY IN OREGON.

*Editor Statesman*—Sir: Though I have resided in Oregon more than four years, I have never appeared in the newspapers to discuss any question, public or private, and would prefer not to do so now; but deferring to the judgment of personal and party friends, and under the rule prescribed by you for correspondence of this kind, I have concluded to trouble your readers with an article upon slavery in Oregon.

I have no pleasure in the question—nothing directly to gain—perchance something to lose by its discussion. Expecting, however, to have my home in this country, I confess to some solicitude that a question so deeply affecting all its interests should be fully discussed and wisely decided. Views like those here presented are not premature at this time. Much has been said for slavery. Candidates for office have become its champions on the stump—documents have been circulated—a paper has been set up for its advocacy. These things invite, in fact, force discussion. Men are rapidly, perhaps inconsiderately, taking sides, and determining as to their votes upon this question. Differing reluctantly from many friends for whose opinions I have respect, I am constrained to think that Oregon had better become a non-slaveholding State. I shall argue with facts and figures in favor of this position. I ask those concerned carefully and dispassionately to consider the subject in all its bearings, then do in reference thereto what judgment dictates to be done. I appreciate the magnitude of the theme. To discuss all its features and effects, one must know, like a spirit of the past, and speak like a sibyl of the future. Conscious that this slavery discussion has shaken the pillars of the republic—

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has rent the most powerful church of the nation in twain—has appeared upon the plains of Kansas with fierce strife and bloodshed; I address myself to it, feeling somewhat as I would to approach a cloud charged with lightning and a whirlwind. I hope, however, that the controversy will not grow up in bitterness, and bear its fruit in convulsions here, as it has elsewhere, but that good feeling and moderation may prevail in all that is said or done about the matter.

Whatever else may be alleged against those who oppose slavery in Oregon, they cannot, as it seems to me, be charged with commencing the contest about it. Daniel Webster said in his celebrated speech of March 7th, 1850, in the Senate of the United States, that God had fixed the natural limits of slavery southward of this, and though dead, his words yet live and are true. On the 26th day of July, A. D. 1845, the real pathfinders and pioneers to the Pacific Coast resolved that "slavery or involuntary servitude should not exist in this Territory." On the 14th day of August, 1848, the Congress of the United States, by a law voted for by Stephen A. Douglas, and approved by Jas. K. Polk, declared that "slavery should not exist in Oregon." People came here—laws have been enacted—social habits formed—an entire system of polity set up, and I, and those who think with me now, seek nothing but a continuation of this state of things, which these laws of God and man have established.

I quarrel with no one whose honest feelings or prejudices incline him to favor the institution of slavery, but when any man says that slavery would be an advantage to Oregon if adopted here, I must be permitted respectfully to dispute the correctness of his judgment. So far as I am able to judge of myself, I have no objections to local slavery. I do not reproach the slaveholders of the South for holding slaves. I consider them as high-minded, honorable, and humane a class of men as can be found in the world, and throughout the slavery agitation have contended that they were "more sinned against than sinning."

Wise, patriotic and just were the fathers of the Republic,



and their opinions and acts come down to us like the voice of departed experience to those just entering upon the stage of life. Thomas Jefferson was a great man—towering, like Saul, above his fellows for sagacity and judgment—born and bred in Virginia, and a slaveholder all his life. On the 19th of April, 1784, he moved in the Congress of the Confederation that slavery be prohibited in all the territory of the United States north of the 31st parallel of north latitude. Now slavery would have been either a benefit or an injury to that country. Jefferson must have determined that it would be an injury, and no man was ever more competent to decide such a question. On the 13th of July, 1787, the Congress of the Confederation voted unanimously to exclude slavery from the Northwest Territory. Massachusetts and South Carolina stood together in favor of that measure. South Carolina, exasperated by sectional strife, would no doubt at this time condemn that vote, but I appeal from Philip drunk to Philip sober. I appeal from South Carolina of nullification to the South Carolina of the Revolution. I argue from this vote in 1787, that it was then the deliberate judgment of the whole United States in Congress assembled, that slavery would be an injury to the Northwest Territory, and therefore it was excluded. North Carolina in 1786 declared the introduction of slaves into that State “of evil consequences and highly impolitic,” and imposed a duty of five pounds per head thereon. Virginia, in 1778, passed an act prohibiting the further introduction of slaves, and in 1782, removed all restrictions to emancipation. Maryland followed her example. Gradually these States were preparing to get rid of slaves, when abolitionism from the North, with a foolish zeal which has characterized it from that time to this, wounded their pride and awakened their jealousy, and then the movement went backwards, and slavery was forever enthroned in the heart and interests of Southern society. I cite these facts simply to show, that before the slave question was dragged into the political arena, the judgment of all parts of the country was against the advantages of slavery.

I will now produce a case quite analogous if not exactly parallel to ours, to prove the impolicy of slavery in Oregon. Indiana and Oregon are both north of the forty-second degree of north latitude. They resemble each other in the productions of the soil. In 1803, Indiana was a new country, and almost as inaccessible as Oregon now is. Railroads, canals and steamboats were then unknown. Emigration was therefore slow and labor scarce. Prairies were "few and far between." Farms were generally made by cutting down the trees and digging up the stumps. With his axe in one hand and his rifle in the other, the hardy pioneer went forth to his work, felling the forests with the one, and fighting the savage with the other. Trouble was of course incident to this state of things. The settlers looked round for relief. Some thought it would be found in slavery, and therefore petitioned Congress to suspend the ordinance of 1787, so that slaves might be introduced. That petition was referred to a committee of which the celebrated John Randolph was chairman. I quote from his report thereon: "In the opinion of your committee the labor of slaves is not necessary to promote the growth or settlement of colonies in that region—that this labor, *demonstrably the dearest of any*, can only be employed in the cultivation of products more valuable than any known to that quarter of the United States; that the committee deem it highly dangerous and inexpedient to impair a provision wisely calculated to promote the happiness and prosperity of the northwestern country, and to give strength and security to that extensive frontier; in the salutary operation of this sagacious and benevolent restraint, it is believed that the inhabitants of Indiana will at no very distant day find ample remuneration for a *temporary privation of labor and emigration*." There spoke the statesman.

Elevating his view above the exigencies of a day, he looked into the future with prophetic vision. Slaveholder as he was, he knew that the growth and prosperity of Indiana did not depend upon the labor of slaves, but the intelligence and industry of a free people. Oregon is now suffering from a

“temporary want of labor and emigration,” and that is the greatest argument for slavery, but I meet it with the reasoning of John Randolph, and the confirmatory facts of history. Seven States of this Union, similar to Oregon in soil and productions, and to some extent in climate, have tried the institution of slavery and found it undesirable. Shall we now commit the folly of repeating the experiment? New York, Pennsylvania, Massachusetts, Connecticut, Rhode Island, New Jersey and New Hampshire ascertained by actual trial that slavery was detrimental to their interests, and therefore abolished it. Can we for any reason expect to find it otherwise? To argue that slavery is a good thing in Alabama, and must therefore be a good thing in Oregon, is illogical, for Alabama has a hot climate and cotton bearing soil, which Oregon has not, but to argue that because slavery was objectionable in Pennsylvania it would be so in Oregon, is logical, for with a cool climate, cereals and similar fruits are the chief productions of both.

I believe it is customary and proper to use the opinions of distinguished men in discussions of this kind. National Whigs, I presume, have not forgotten Henry Clay. When three score years and more had silvered o’er his brow, he stood up in the Senate of the United States and uttered these words: “Coming from a slave State as I do, I owe it to myself, I owe it to truth, I owe it to the subject to say, that no earthly power could induce me to vote for a specific measure for the introduction of slavery where it had not before existed, either south or north of that line. Coming as I do from a slave State, it is my solemn, deliberate, and well-matured determination, that no power, no earthly power, shall compel me to vote for the positive introduction of slavery either south or north of that line. Sir, while you reproach, justly too, our British ancestors for the introduction of this institution upon the continent of America, I am for one unwilling that the posterity of the present inhabitants of California and New Mexico shall reproach us for doing just what we reproach Great Britain for doing to us. If the citizens of

those territories choose to establish slavery, and if they come here with constitutions establishing slavery, I am for admitting them with such provisions in their constitutions, but then it will be their own work, and not ours, and their posterity will have to reproach them, and not us, for forming constitutions allowing the institution of slavery to exist among them."

Lewis Cass, in his Nicholson letter, which gave the Wilmot proviso its deathblow, says: "We may well regret the existence of slavery in the Southern States and wish that they had been saved from its introduction." Again, he says, which is particularly worthy of our notice: "Involuntary labor requiring the investment of large capital, can only be profitable when employed in the production of a few favored articles confined by nature to special districts, and paying larger returns than the usual agricultural products spread over more considerable portions of the earth."

James Buchanan, speaking of the compromise of 1850, says: "Neither the soil, the climate, nor the productions of California south of 36 degrees 30 minutes, nor indeed any portion of it, north or south, is adapted to slave labor, and besides, every facility would be there afforded for the slaves to escape from his master, and such property would be entirely insecure in any part of California. It is morally impossible, therefore, that a majority of the emigrants to that territory south of 36 degrees 30 minutes, which will be chiefly composed of our citizens, will ever re-establish slavery in its limits." Would Mr. Buchanan vote for slavery in Oregon? Would he vote for a "moral impossibility?"

Stephen A. Douglas, in a speech delivered in the Senate on the 14th day of February, 1857, says: "I am aware, sir, that the act of Congress was passed prohibiting slavery in Oregon, but it was never passed here until six years after the people of that territory had excluded it by their own law, unanimously adopted. So Oregon was consecrated to freedom by act of their local legislature six years before the Congress of the United States by the Wilmot proviso undertook to do

what had been done and well done." Standing in the presence of a listening Senate and pointing away to the Pacific, the "little giant" refers to the squatter sovereigns of Oregon and their slavery prohibition of 1845, and pronounces upon them the plaudit of "well done." May not a man safely follow in the footsteps of Jefferson, Randolph and Clay, or stand with Buchanan, Cass and Douglas upon this question?

I will now proceed to show from the nature of the case that slavery would be a burden and not a blessing to Oregon. Slavery is involuntary servitude—labor forced by power from unwilling laborers. There is no ambition, no enterprise, no energy in such labor. Like the horse to the tread-mill, or the ox to the furrow, goes the slave to his task. Compare this with the labor of free white men. Take the young man without family or property—no bondage fills the little horizon of his life with its unchangeable destiny. Conscious of his equality, of his right to aspire to, and attain any position in society, he will desire the respect and confidence of his fellowmen. All the world is his for action, and all the future is his for hope. Employ the head of a family to your work. Anxious to make his home comfortable, to educate his children, to provide a competency for old age, he will have strong inducements to be diligent and faithful in business. These motives energize free labor, but have little or no influence upon the slave. One free white man is worth more than two negro slaves in the cultivation of the soil, or any other business which can be influenced by zeal or the exercise of discretion. I do not claim that this is so where slaves are worked in gangs by a task-master, but it would be so in Oregon; for no man here can have slaves enough to justify the employment of an overseer and therefore every owner must manage his own slaves, or leave them to self-management. Situated as the farmer is in Oregon, he wants a laborer to be something more than a mere slave. He wants a man who can act sometimes in the capacity of agent—to whom he can entrust his business when absent from home, and who will go to the field and work without watching or driving. Negroes are

naturally lazy, and as slaves actuated by fear of the whip—are only interested in doing enough to avoid punishment. Now, if what I have said be true, it is perfectly manifest that a farmer in Oregon cannot afford to pay as much for the labor of a negro slave, as for the labor of a free white man. I say in the language of John Randolph, that slave labor is “demonstrably the dearest of any.” And I affirm that it will cost the farmer in this country, more to obtain the services of one slave, than one free man. To show the high price of slaves in the States, I might refer to different public journals, but I will quote from but one. The *Central Organ*, published in the parish of Avoyelles, Louisiana, says that “13 field hands were recently sold in that place, at prices ranging from \$1,365 to \$2,360. The lowest sum was paid for a lad ten years—the highest was paid for a man 31 years of age. Four of the negroes were women, and nine of them under twenty years of age. Their aggregate value was \$24,260.” Now from this statement, it is entirely safe to assume that a good, healthy negro man in Missouri, would be worth \$1,000, and the prospect in Kansas will not reduce the price. Horses and cattle more than double in value by importation from the States to this country, and without doubt the rule would hold good in reference to slaves, so that a good man in Oregon would be worth \$2,000. Now the interest on this sum at 20 per cent would be \$400 per annum, which would hire a white man for ten months, at \$40 per month. State the facts in any way, and it will appear that the interest on the value of a good slave will hire a white laborer from April to November, and there is little help needed by the farmer during the other portion of the year. But there are many other things to be considered. You employ a free man and you have nothing to do with him, but to provide him with employment and food and pay his wages. But with a slave it is different. Your house must be his home. You must provide everything for him and pay all his expenses, sick or well. You must watch him when he works and when he plays. You must tell him what to do, and whip him if he

fails to do it. Drunken, depraved and vicious as he may be, you must control his passions and be responsible for his acts. I remember that a slaveholder in St. Louis told me that the vicious behavior of a female slave, which for some reason he could not or would not sell, caused him more trouble than all the other cares of his life.

Suppose a farmer to own two or three negroes. They may be of profit to him in the summer, but what can they do in the winter? They cannot plow, or sow or reap or thresh. What could a negro fitted by nature for the blazing sun of Africa, do at chopping wood, splitting rails, or making fence in the cool drenching rains of an Oregon winter? One season of such exposure would endanger his life. The fact is that negro slaves other than house servants would be perfect leeches upon the farmer during our long rainy winters. They would be more useless here than in New England, for there the winter is cold and dry, and a man can work in the barn or in the woods, but the reverse is true in this country.

There is another thing in this connection to be noticed. When a man proposes to make an investment, the risk of its loss is always taken into account. If you loan money on doubtful security, you ask more for its use than when the security is perfectly good. Mr. Buchanan said that "it was morally impossible for slavery to exist in California, because every facility was there afforded for the slave to escape from his master, and such property would be entirely insecure." What is true of California in this respect is certainly true of Oregon. Slaves might accompany their masters to Oregon from attachment, but suppose a slave dealer to start for the Oregon market, across the plains with a band of slaves bought here and there; what regard would they have for a man who had bought them to sell again upon speculation, and who was taking them a returnless distance from the "old folks at home?" With all the safeguards of law and public sentiment, slaves are manacled to be taken by the trader from one slave State to another; how then could they be safely transported thousands of miles across a wilderness

country with feelings of hatred and revenge rankling in their dark bosoms; to bring them by water, to say nothing about the expense, is a hazardous and almost impracticable thing. Suppose, however, all these difficulties overcome, and your slaves safe upon the soil of Oregon, then they would stay with you, or not, just as they pleased.

North is the Territory of Washington with its sparse settlements—its vast forests and mountain ranges, in which a fugitive slave might hide from an army of pursuers. Eastward dwell numerous Indian tribes, to whose welcome embrace a slave might fly and be safe. No fugitive slave law would avail there, or friends of the master be found to assist in his recapture. South is the free State of California, where doubtless the fugitive slave could find friends to speed him on to a more perfect freedom in Mexico.

Isolated as Oregon is by thousands of miles from other slave States, and all the supports of slavery, an effort to maintain the institution here would be almost as impotent as the command of the vain Canute to the waves of the ocean. Some say that slave property will not be so unsafe here as I pretend, for negroes will not go to and consort with Indians, but otherwise is the evidence. General Jackson found fugitive slaves fighting with the Creeks in the war of 1812. Major Dade's command of 112 (except four) was slaughtered in the Florida war by a party of Seminoles and forty fugitive slaves, the negroes outstripping the Indians in ferocity and brutal treatment of the dead. There is another reason outweighing all others for the unsafeness of slaves in this country. I refer to public sentiment, and I say that slavery can no more stand as a useful institution with one-half of public opinion arrayed against it than a house can stand with one corner stone.

Look at the Southern States. What a unanimity of sentiment exists there in favor of slavery. Look at the laws enacted and the pains taken to preserve this unanimity. This is a necessity of the system. Every man of common sense must see that slaves would not only be unsafe as property, but



dangerous if their ears were filled with discussions as to the legality or justice of their bondage.

Much is said about the necessity of slaves in Oregon for domestic servants. I admit that there is a great want of household help in this country at the present time, but I deny that slavery would remove the evil. Various are the privations attending the settlement of a new country. People in Oregon cannot reasonably expect to have at this early day all the comforts and conveniences of an old community. Indiana, Iowa and the new States have suffered in this respect as we do now, but time brought to them as it will bring relief to us. Immigration is the natural, and as the experience of other States attest, the most efficient remedy for this complaint. Slavery, as it seems to me, would aggravate the trouble. Now there is not one family in ten in Oregon able to own a slave woman (worth from \$1,000 to \$1,500), so that if one family would be benefitted, nine would probably be worse off than they are at this time. Introduce slavery, and the chance of hiring a white girl to do housework is gone. White girls will hardly consent for wages to occupy in one family a position like that which a negro slave-woman occupies in another. Slavery might provide the favored few with domestic help, but a large majority of the people would be left to help themselves. What is it that we most need in Oregon? We have a beautiful country—a healthful climate—a rich soil—mountains big with minerals—rivers for highways, and an ocean stretching away to India for our commerce. We want more people, intelligent, enterprising and industrious people. Some profess to think that the establishment of slavery here would be the most speedy and effective way of supplying this want, but exactly the reverse is demonstrably true. I refer to the census of 1850 for evidence. Ohio and Kentucky are contiguous States, and nearly equal in size. Ohio has no advantages of climate or soil. In 1800 the population of Ohio was 45,028, and the population of Kentucky was 179,871. but in 1850 the population of Ohio was 1,955,050, and the population of Kentucky 971,594, including 210,981 slaves. Can

any reason be given for this immense difference in the growth of the two States, only that the one was a free and the other a slave State. Take Indiana and Kentucky. They are adjoining States, and Kentucky has the larger territory. In 1810, Indiana had 23,890 people, and Kentucky 324,237, but in 1850, Indiana was ahead, and had 977,154. Illinois had in 1810, 11,501, but in 1850 she had 846,034. I compare these adjacent States, and contend that the figures show beyond controversy that slavery has been an obstacle to the growth, and an incubus upon the energies of Kentucky.

Everywhere the rule holds good. Missouri is a larger State, has a milder climate, a more prolific soil, and greater facilities for commerce than the adjoining State of Iowa. She had, too, more than twenty-five years the start as a State, yet Iowa has nearly overtaken, and before the end of the present decade will surpass her in popular numbers. Who can doubt that Missouri would now have double her present population if the foot of a slave had never touched her soil? Compare Wisconsin and Minnesota with Arkansas and Florida. Have not the former sprung forward to giant greatness, while the latter have slowly dragged the overburdening power of slavery.

Men who emigrate are not usually men of large fortunes, who own slaves, and live at their ease, but they are generally men whose limbs are made sinewy by hard work; who go to new countries to get land and homes, and who expect to depend chiefly upon their own labor. Slave States are objectionable to such men, for they are too poor to be slaveholders, and too proud-spirited to wear the badge of slavery. Slavery has a terror in its very name to foreign immigration. Oppressed at home, they look to America as the "land of the free." When they come to us they are generally ready to work on our farms, canals and railroads with white laborers, but they are not willing to take their places under the same task-master with negro slaves. Establish slavery here, and the effect will be as it has elsewhere. You will turn aside that tide of free white labor which has poured itself like a

fertilizing flood across the great States of Ohio, Indiana and Illinois, and is now murmuring up the eastern slope of the Rocky Mountains. Will slaveholders, in view of the great hazard of bringing and keeping slaves here, immigrate to any considerable extent? Will men run a great risk with their property when there is nothing to be made by it? Slave property is more secure and more profitable in Missouri than it would be in Oregon, then why bring it here? Millions of untouched acres in the new States of the South invite the culture of cotton, sugar and kindred productions. Will the slaveholder wishing to emigrate go where his slaves will be secure and valuable, or will he make a wild goose chase across the continent to engage in raising wheat, oats and potatoes?

Some people talk as though voting for slavery would supply the country with labor, but it will be found that money is more necessary for that purpose than votes. Five hundred slaves here would cost between five hundred thousand and a million of dollars, and yet only one farmer in ten would be provided with a hand, if there be (of which there is little doubt) 5,000 farmers in Oregon. Let it be remembered that out of 6,222,418 whites in the slave-holding States, only 347,525 own slaves. How can slave labor be made to pay in this country? Can any farmer afford to buy and keep slaves, and raise wheat at 75 cents or \$1.00 per bushel? If there were thousands of slaves now cultivating the soil here, where would be the market, and what the demand for the grain they would produce? Slaves are certainly not necessary or desirable for fruit or stock raising.

Much is claimed for slavery because the slave-holding States export more and have a larger amount of personal property than the non-slave-holding States. I will compare Pennsylvania and Virginia in 1850. They are adjoining States, and that is a fair way to try the question:

	Pennsylvania.	Virginia.
Area .....	46,000 miles	61,000 miles
Population .....	2,311,786	1,421,661
Total property .....	\$729,144,998	\$391,646,430
Personal property .....	72,410,191	130,198,429
Manufactures .....	155,044,910	29,704,387
Exports .....	6,255,229	3,302,560
Imports .....	12,066,154	426,599

Now I submit upon these figures which is the more powerful, wealthy and prosperous of the two States. True, the personal property of Virginia exceeds that of Pennsylvania, but this is because 422,528 blacks, estimated at so much population, are at the same time considered as personal property, worth from \$500 to \$2,000 per head. I will ask if 1,000 Pennsylvania families would not be worth more to Oregon—would not make more blades of grass—bring more wheat to market and dig more gold out of the mountain than so many Virginia negroes, and yet the census taker would say nothing about the value of the farmers, but call the negroes worth one or two millions of dollars. The exports of the South exceed those of the North, but that proves nothing for slavery here, for 84 per cent of exports of the slave-holding States are cotton, rice and sugar, which cannot be cultivated in Oregon.

I have heard it said that slavery would increase the price of lands in this country, but this is a very great mistake. I find by the census of 1850 that the average value of land per acre in New England is \$20.27. In Middle States it is \$28.07 per acre, while the average value of land per acre in the Southern States is \$5.34. None who are familiar with current events, can be ignorant of the fact that large quantities of land in the South has been worn out and reduced to a value merely nominal by slave labor. One very common argument for slavery is, that laborers, if free, will engage in mining when they are wanted by the farmers. Admit such to be the fact, is the labor of a man lost to the country who makes \$25 or \$50 per month more in the mines than he would on a farm? Now the question is, what is good for the country, not what is of benefit to A or B, or any class of individuals, and

I say that is best for the country which gives to labor its greatest reward, whether it be mining, farming, or any other business. Labor ought to be free so that it can go into that pursuit which pays the best, or produce that for which there is the greatest demand, and thus enrich and improve the country. Scarce as labor has been, and loud as are the complaints about the state of things here, nowhere is the diligent farmer more prosperous than in this much-abused Territory of Oregon. California has mines, and her farmers obtain help, and so it will be here if the laws of free labor and free trade are left to work out their natural results. I am opposed to slavery in Oregon because it will degrade labor. Cavilled with as this objection may be, it is vain to deny it. Suppose A and B have adjoining farms. A is rich and can buy slaves to do his work. B is less wealthy and must hire white men. Now does not the hired white men of B seem to take the same position with the negro slaves of A's? Does not this system inevitably beget a sentiment that the man or woman who hires out to do farm or house work is put upon a level with negroes?

Society if true to itself will seek to elevate and not to degrade labor. Labor changes waste places and the wilderness into the fruitful field and the beautiful city. Laboring men deserve to be the honorable of earth. They make the country and fight the battles for its defense. They fill up with vigor of mind and body where riches and luxury produce decay. They give to humanity and fame the Franklins, the Fultons and the Websters of history. Every community ought to have a system of free or slave labor. To mix them aggravates the evils of both, and subtract from the benefits of each. Negro slaves it must be admitted, are an ignorant and degraded class of beings, and therefore they will vitiate to some extent those white men who are compelled to work or associate with them. Moral differences when they meet, like water, seek a common level, and therefore if white men and negroes are brought in contact without that perfect subjection and rigid discipline which prevail among the slaves of the South, the

white men will go down and the negroes go up, till they come to resemble each other in the habits, tastes and actions of their lives.

Slaves in Oregon, if they do anything at all, must necessarily be "jacks of all work." They will go everywhere and do everything. They will be free enough to see and learn all the vices of society, and slaves enough to practice them without pride or self respect. I do not see how white men who expect to labor in Oregon, can consent to have negro slaves brought here to labor with them. Slaveholders, as a general thing, are not willing to sell their good men and women to be taken thousands of miles from relatives and home, but will sell the worthless and vicious, so that the Oregon market would probably be supplied with cheap negroes, which are a curse to any country. Slavery is intended to supersede the necessity of white labor; but I deny that any system is an evil which compels white people to work. Industry invigorates mind and body. It makes the appetite good and the sleep sweet. It leads to contentment, virtue and happiness. Suppose a farmer has slaves to do his work, and sons to rear. Will these sons be as industrious as they otherwise would be, and is any father willing to have his children grow up without habits of industry? Indolence is a dangerous luxury for young people, and there is good sense in the Spanish proverb, that "an idle brain is the devil's workshop." What will be the political effect of making Oregon a slave State? This is a grave question and ought to be carefully considered. Surrounded by non-slave-holding territory—her geographical position—her climate—the productions of her soil, and the nature of her commerce, all unite and identify her with the Northern States. Suppose we go into the Union as a free State, the North will be pleased and the South satisfied. No statesman ever dreamed that slavery would ever exist in Oregon, and for that reason Douglas voted for, and Polk approved its prohibition in our organic act. And last winter, Mr. Stephens, of Georgia, said in Congress, that he would be glad to have the Northwest territories

come in as slave States, but did not expect it for the laws of climate, production, and population would prevent. I believe that we could go into the Union as a free State, without objection or excitement upon that ground, for this is what all parts of the country expect; but as a slave State, we should arouse the prejudices of the whole North; for, as there is nothing in our circumstances or interests to justify such a thing, it would be regarded as a mere political movement to extend the institution of slavery. I contend that we have a perfect right\* to have slavery or not, as we please, but we know what the sentiment of the North is upon this question, and we must take things as they are, and not as they should be. Can Oregon with her great claims, present and prospective, upon the government, afford to throw away the friendship of the North—the overruling power of the nation—for the sake of slavery? Would it be advisable, when we can avoid it, to go into the Union in a tempest of excitement upon the negro question? Oregon would have more influence in the councils of the country, as a free, than as a slave State. Free, conservative, and impartial, she would be like California, of the family of the North, and of the friends of the South; but as a slave State, she could only depend upon the sympathies of the slave-holding power. Slavery, it is said, will save us from fanaticism, but this is not true. Fanaticism is not altogether confined to the free States. South Carolina is not behind Massachusetts in this respect. Garrison, Phillips & Co., occupy one extreme, and Adams, Rhett & Co., the other. The Tribunes and Couriers of the North are seconded in their sectional warfare by the Mercurys and Deltas of the South. Political fanaticism within the last year, has desecrated elections in four of the chief cities of the South with violence and bloodshed. I admit that there is more intensity of thought and energy of action in the North than in the South, and that these produce many excesses which I condemn as much as any man, but at the same time they work miracles in science and

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\* Evidently the Judge meant political right, as he was not discussing the ethical aspect of the question.—T. W. D.

art, and all the improvements of the age. Fanaticism, even if we have it as a free State, will waste itself upon abstractions and idealities about something thousands of miles away; while with slavery there will come a fanaticism like the Promethean vulture, to prey upon our very vitals. Slavery here, in the nature of things, must be a weak institution. Fanaticism from the North would therefore assail it, and from the South rush into its defense. Torn and distracted in this way, our happiness and prosperity would be sacrificed to a miserable strife about negroes.

Some argue that Oregon should become a slave State so as to make the slave-holding and non-slave-holding States equal in the Senate. Admitted now as a slave State, we might make the States nominally equal in that body, but how soon would Minnesota, Kansas, Nebraska or some other Territory come in and destroy it? We might set to work to balance the Union, but have we any assurance that other territories will concur in the movement? Territories ought and will consult their own best interests upon this subject, and Congress has no right to regulate the admission of States so as to preserve the balance of power between different sections of the Confederacy. I will quote upon this point from a speech made last winter by Mr. Douglas, in the Senate: "Is it (says he) to be a struggle, to keep up an equilibrium between non-slave-holding and slave-holding States? Sir, I deny the power of this government, to maintain any equilibrium upon the subject; it is contrary to the principles of the Nebraska bill; it is contrary to the principles of the Democratic party; it is contrary to the principles of State equality and self-government to keep an equilibrium between slave-holding and non-slave-holding States in order that they may balance each other." I add to this, that it would tend to create a geographical division which all true friends of the Union should try to break down and prevent. This theory looks very much like Calhoun's stillborn project of a dual executive in the government.

I might go further in this discussion, but perhaps I have



already written more than will be read. Whatever may be inferred from my arguments against slavery in Oregon, I disclaim all sympathy with the abolition agitators of the North and deprecate and denounce all sectional organizations upon that subject. I take the ground that the general government has no right in any way to interfere with slavery, except to carry out the fugitive slave clause of the Constitution, and have maintained the opinion that each State and Territory has the absolute right to establish, modify, or prohibit slavery within its borders, subject only to the Constitutional restriction to "persons held to service or labor in one State escaping into another."

I hold, too, that a man's views as to slavery in Oregon are no test of his Democracy. To be national, the Democratic party must necessarily embrace those who prefer a free and those who prefer a slave State. Cobb no doubt upholds slavery in Georgia, where he lives, and Dickinson would oppose it in New York, where he lives, and both are good Democrats. Buchanan, Cass and Douglas would vote against slavery in the States where they respectively reside, and if they mean what they say, would vote against it here if they lived in Oregon.

Taking everything into consideration, I ask if it is not the true policy of Oregon to keep as clear as possible of negroes, and all the exciting questions of negro servitude? Situated away here on the Pacific, as a free State, we are not likely to be troubled much with free negroes or fugitive slaves, but as a slave State there would be a constant struggle about laws to protect such property—fierce excitements about running off or stealing negroes, for which this country is so favorable, and there would be no peace.

I have faith in the future of this country, but I do not conceive that its prosperity depends upon the spiritless efforts of enslaved labor, but upon the energies of a free and intelligent people. New routes of travel are being opened across the continent. New lines of steamships and clippers are being put upon the ocean. Facilities for traveling are

increasing and expenses are being reduced. The Pacific railroad is a proximate reality. Men who can lift their eyes above the little precincts of a day, will see in these things the promise of our growth and greatness as a people. I know what syren song self-love sings for slavery; how pleasant it seems in prospect to have a slave to till our ground, to wait upon us while we wake, and fan us when we sleep. But are these the ideas to possess men whose business it is to lay the foundation of a State? History, philosophy, and posterity plead with us not to be wholly absorbed in the present, but to learn from the past and look to the future, and if we hear and obey this appeal, the lapse of twenty-five or fifty years, which is as nothing in the life of a State, will find Oregon teeming with a people, intelligent, prosperous and happy, and every man a freeman.

GEO. H. WILLIAMS.

## OREGON'S FIRST MONOPOLY—The O. S. N. CO.\*

By IRENE LINCOLN POPPLETON.

In developing any new country, transportation facilities are a necessity. On the Ohio frontier one of the first questions that confronted the pioneer was, how to get his produce to market by a cheap and efficient means of transportation. Until government roads and canals were opened it was not practical nor profitable to carry products to any distant market. They found it necessary to convert their bulky products into a condensed form, for instance wheat and corn to whisky, or they raised livestock, which could walk to market. In Kentucky and Tennessee it was the same way. And in later years in the development of South Africa by the British government the first step was the construction of railroads. Russia used the same method in Siberia.

In every case we find that consolidated capital was the means of opening up the country, and developing facilities otherwise impossible. No individual would risk his entire fortune in such an uncertain venture. The Erie canal was scoffed at by the general public until it was proved a success. The Pacific railroad was pushed to completion in the face of strong opposition. All through history are instances of consolidation of capital, government or otherwise, for promoting the prosperity of the country. It has seldom resulted in monopoly, but monopoly is the natural tendency. In the development of a project all the parties interested concentrate their forces upon a certain plan of action. As the plans develop the organization becomes stronger and is more able to resist opposition and if they are in a position to control any essential feature of the project the outcome is the seizure of it as a sure means of success. When this is accomplished monopoly is assured.

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\* Prepared as a thesis for the degree of Bachelor of Arts from the University of Oregon.

In order to fully understand the monopoly of the Columbia River by the Oregon Steam Navigation Company it will be necessary to study in detail the geographical formation of the gorge of the Columbia. The obstructions to navigation here are:

First, The Cascades, and

Second, What is known as The Dalles rapids and the Ten Mile rapids, which are regarded as one.

The Cascades are 160 miles from the mouth of the river. There is an Indian legend in connection with the forming of the Cascades that is interesting. Many, many years ago a huge mountain fell and dammed up the river. Soon it forced through, forming a bridge. This was called the Bridge of the Gods. A long time afterwards an earthquake caused it to fall, forming the obstruction which we know as the Cascades.<sup>1</sup> The Cascades have always been of importance on account of the break in navigation, making a portage absolutely necessary. The rocks and falls in the river extend for a distance of five miles.

The obstruction at The Dalles, 220 miles from the mouth of the Columbia, generally called The Dalles rapids, and consisting of The Dalles rapids, Three Mile rapids, Ten Mile rapids and Celilo Falls, twelve miles in all, extending from the foot of Three Mile rapid, which is located about two miles below the foot of The Dalles rapids, to what is known as the head of Celilo Falls.<sup>2</sup>

These obstructions cut off absolutely from communication with the lower Columbia and sea navigation by steam or other boats, 1,294 miles of the 1,664 miles of navigable waters of the Columbia and its tributaries.<sup>3</sup>

The 220 miles below these obstructions and 150 miles of navigable waters of the Willamette, making 370 miles, constitute the whole of the navigable waters of the Columbia and its tributaries that are not affected by these obstructions.

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1 A Brief Hist. of the O. S. N. Co., by P. W. Gillette.

2 Senate Doc. No. 344, February, 1890.

3 Senate Doc. No. 344, February, 1890.

Above these obstructions the Columbia with its tributaries is navigable to the extent of 1,294 miles. Thus the Columbia would be navigable for 1,664 miles were it not for these obstructions.<sup>4</sup>

The Cascade range of mountains extends entirely across the States of Oregon and Washington, and the only natural opening in the range is the Columbia River. Through this opening is the natural transportation route for the products of the great valley of the Columbia to the seaboard and of the supplies for the inhabitants of that region. The Columbia River is in size and importance the second in the United States.<sup>5</sup> The total area drained by it is 244,959 square miles. It is divided as follows:

Oregon:	Square Miles.
Willamette and Columbia below the mouth of Columbia..	12,000
Deschutes .....	10,000
John Day, Willow Creek and Walla Walla.....	12,600
Snake River .....	17,200
Washington Territory:	
North side Columbia below the Snake.....	8,000
Columbia above the Snake.....	5,200
Idaho:	
Columbia River .....	7,600
Snake River .....	70,040
Nevada:	
Snake River .....	6,280
Wyoming:	
Snake River .....	5,184
Utah:	
Snake River .....	700
Montana:	
Columbia River .....	20,800
British Columbia:	
Columbia River .....	38,395
Or it may be divided in another way as follows:	
Snake River .....	104,604
Upper Columbia above the junction with the Snake.....	97,155
Main Columbia below the junction .....	43,200
Total .....	244,959

<sup>4</sup> Senate Doc. No. 344, February, 1890.

<sup>5</sup> Lieutenant Symon's Report, Senate Doc. No. 232, February, 1892.

This is an area larger than all New England, the Middle States, Maryland, Virginia and West Virginia, and richer in natural resources.<sup>1</sup> An area which produced in 1907 approximately 58,000,000 bushels of wheat which was shipped from Portland, was one-fourth of the amount produced in the entire United States.<sup>2</sup> Such possibilities in wheat production, together with the mines in Eastern Washington, Montana and Idaho, show in some degree the wealth and importance of the Columbia River Basin.

Steamboating on the Columbia seems to have started in 1850 or earlier. As early as the summer of 1850 the little steamer "Columbia" was running between Astoria and Portland.<sup>3</sup> The steamer "Lot Whitcomb" was then in the course of construction.<sup>4</sup> Captain Lot Whitcomb was the partner of Colonel Jennings in this steamboat enterprise, and J. C. Ainsworth was her first captain, with Jacob Kamm the engineer. It was the intention to run the boat between Milwaukie and Portland, though at that time the business was so limited that had it not been for towing lumber vessels, the boat could not have possibly paid expenses. In 1852 a small iron propeller called the "Jason P. Flint," was brought from the East. The Bradfords ran this above the Cascades.<sup>5</sup> J. C. Ainsworth, Jacob Kamm and Thomas Pope of the firm of Abernethy, Clark & Company, built the "Jennie Clark" in 1854 for the Oregon City and Portland trade.<sup>6</sup> In 1858 the "Carrie Ladd" was launched in Oregon City.<sup>7</sup> She was constructed by J. P. Thomas for the same people. She was the nearest approach to a modern river steamer that had as yet appeared. While the "Carrie Ladd" was in the course of construction, R. R. Thompson, who had been engaged upon

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1 Senate Doc. No. 782, Vol. 2, February, 1879.

2 Making Oregon, April 25, 1908.

3 Ms.

4 Ms.

5 Story of Oreg. R. R., by W. T. Bailey, *Pacific Monthly*, Jan.-June, 1907, Vol. 17, page 549.

6 Ms.

7 Ms.

the upper Columbia River in transporting government freight in sail boats, built, at the upper Cascades, a fine little steamer called the "Venture,"<sup>8</sup> with the intention of in some way making the portage at The Dalles, and using her on the upper Columbia. His partner, L. W. Coe, was made captain. In attempting to make the first trip to The Dalles, the boat was carried over the falls at the upper Cascades. She was afterwards hauled out and repaired and her name changed to the "Umatilla." By 1859 the steamers "Senorita," "Belle" and "Multnomah," owned by Stark, Reed, Dick Williams, Hoyt and Wells, all under the management of Ben Stark, were running between Portland and The Cascades.<sup>1</sup> The "Belle" was the first boat to make regular trips. Opposed to this interest was the "Mountain Buck," owned by J. S. Ruckle and H. Olmstead, who also owned the portage at The Cascades on the Oregon side of the river.<sup>2</sup> Bradford & Company owned the portage on the Washington side of the river, together with the steamers "Hassalo" and "Mary" plying between The Cascades and The Dalles.<sup>3</sup> Ruckles and Olmstead owning the little steamer "Wasco" plying on the same route, and thus making them a through line between Portland and The Dalles. There were no steamers up to this time on the upper Columbia, but R. R. Thompson was the owner of all the sail boats on the upper Columbia, and was then building the steamer "Colonel Wright." At this time the portage at The Dalles was made by teams to the mouth of the Deschutes River and O. Humason had charge of this portage. The freight over this portage was \$20.00 per ton measurement.

The Stark party and Bradford formed one line by a division of receipts as follows: The freight, which was at that time \$30.00 per ton between Portland and The Dalles, was divided in four parts—Stark and his party receiving one-fourth, or

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\$7.50 per ton, for delivering their freight at the foot of the rapids at the foot of The Cascades, at what was known as the Garrison or Johnston's Landing. Here Geo. W. Johnston took charge of it—Bradford was his partner, though under cover—and took it over the first rapid in sail boats to what was known as the first landing, for which he received \$7.50 per ton. From this place it was taken on a wooden tram to the upper Cascades by Bradford & Company and placed on their steamer above, they receiving one-fourth for the tramway service and one-fourth for their steamer from The Cascades to The Dalles.<sup>4</sup> At this time Stark ran his boat from Portland to The Dalles, tri-weekly. Passengers were compelled to remain over night at The Cascades, taking two days from Portland to The Dalles. Ruckle and Olmstead were running on the same time but they owned their whole line through and though it was of a very inferior character they did not have to divide with others and were rapidly encroaching on the business of the old or Bradford line. About this time the Stark party was reinforced by the advent of the "Carrie Ladd," with J. C. Ainsworth in command, which ran between Portland and the middle landing of The Cascades, thus earning one-half the receipts. This gave such an advantage in time and facilities to the old company that Ruckle and Olmstead, who had been making such inroads on the business, proposed a combination. The result was that in April, 1859, a general combination was made of all the interests as far as the middle landing of The Cascades under the name of The Union Transportation Company, with J. C. Ainsworth and J. S. Ruckle as agents. By this arrangement Bradford & Company were to have all of the business from the middle landing to The Dalles, Ruckle and Olmstead withdrawing their steamer "Wasco" from this route.<sup>5</sup>

At the time these negotiations were entered into the Stark party were known as the Columbia River Steam Navigation Company, and Ruckle's and Olmstead's line as the Oregon

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<sup>4</sup> Ms.

<sup>5</sup> Ms.



Transportation Company. The rates of passage were at this time from Portland to the lower Cascades, \$6.00; passage over the portage, from \$1.00 to \$3.00. This Union Transportation Company continued to work pretty well for about one year, but there was great difficulty in conflicting ownership and interests of steamers and portages. A closer consolidation of interests seemed to be necessary, and Mr. Ainsworth set about to accomplish this, trying if possible to combine at least the steamboat interests together as one company. In fact, this was an old scheme of his, often talked over with his friend R. R. Thompson, but whose interests were at this time all on the upper Columbia, making it therefore necessary for him to proceed alone, even with an element whose interests were somewhat antagonistic to those of Thompson's. But after much discussion it was agreed between the San Francisco parties owning the control of the steamer "Julia," the parties owning the old boats of the Columbia River Steam Navigation Company, composed of Stark, Reed, Williams, Wells, and Hoyt; the owners of The Oregon Transportation Company, composed of J. S. Ruckle and H. Olmstead and Bradford & Company, owning boats between The Cascades and The Dalles, and J. C. Ainsworth and associates owning the steamer "Carrie Ladd," that it would be desirable to consolidate the different steamboat interests into one company and that it should be done if terms could be agreed upon. This was the beginning of a long discussion as to the valuation of the different boats that should constitute the basis of the new company. This was finally adjusted and an agreement was reached to combine all the steamboat interests between Astoria and The Dalles. The next step was to bring in R. R. Thompson, who owned the steamer "Colonel Wright" and a lot of small sail boats on the upper Columbia River. At length an agreement was reached and the Oregon Steam Navigation Company was formed, with a capital in steamboats and other property at the highest possible figure of \$172,500.00.<sup>1</sup>

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<sup>1</sup> Ms.

J. C. Ainsworth was made agent and so remained until the company was legally organized on December 20, 1860, when they procured a charter from the Washington territorial legislature with nominal headquarters at Vancouver. The shares were valued at \$500.00 each, with fifteen shareholders whose holdings were as follows:

R. R. Thompson.....	120 shares	Benjamin Stark .....	19 shares
Ladd & Tilton.....	80 shares	Josiah Myrick .....	12 shares
T. W. Lyles.....	76 shares	Richard Williams .....	7 shares
L. W. Coe .....	60 shares	J. W. Ladd.....	4 shares
Jacob Kamm .....	57 shares	G. W. Pope.....	4 shares
J. C. Ainsworth.....	40 shares	J. M. Gilman.....	4 shares
A. H. Barker.....	30 shares	Geo. W. Hoyt.....	3 shares
S. G. Reed.....	26 shares		*

J. C. Ainsworth was elected president, which position he occupied, with the exception of one year, during the entire life of the corporation. The superior value of that portion of the new line owned by Thompson and Coe was recognized by giving them a much larger block of the stock than any other faction. Ladd & Tilton, the bankers, had rendered some financial aid to the owners of the steamers "Mountain Buck" and "Senorita," and in this way secured an interest in the corporation in which the senior of the banking firm afterwards became quite a power. The difficulty in effecting an organization of this company was very great but its subsequent history was great in results and usefulness. No other steamboat company in the United States can show such a record. They commenced as before stated with a capital in property at the highest possible valuation of \$172,500.00; no assessment was ever levied on this stock. The company expended in gold nearly three million dollars in creating their subsequent magnificent property, besides paying to their stockholders in dividends over two million five hundred thousand dollars in gold.<sup>2</sup>

The first board of directors, elected December 29, 1860,

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\* Lewis and Dryden.

<sup>2</sup> Ms.

were as follows: J. C. Ainsworth, J. S. Ruckle, D. F. Bradford, S. G. Reed and L. W. Coe. These were supposed to represent the different interests that composed the new company. On June 8th, L. W. Coe resigned as director and R. R. Thompson was elected in his place.<sup>3</sup> Very soon after the legal organization of the company the rich placer gold mines of Idaho Territory, Eastern Washington Territory and Western Montana were discovered and a rush of miners and freight up the Columbia River was the consequence.<sup>4</sup> The new company was greatly overtaxed to do the business that was forced upon them. They had but few boats, most of them very indifferent, the "Carrie Ladd" being the best in the new line. The portages at The Cascades were owned by rival and hostile parties, yet both were interested in the Oregon Steam Navigation Company, and occupied seats on the board. These parties regarded their portage interests as of paramount importance. They looked upon the company as simply auxiliary to their other and larger interests. The portage at The Dalles was at the formation of the Oregon Steam Navigation Company made by teams to the mouth of the Deschutes River a distance of about twenty miles, and was at that time principally controlled by O. Humason and his associates. The freight for the new mining country was so extensive that at times the whole portage at the Cascades was lined with freight from one end to the other; the result was, of course, heavy losses caused by damage and a system of robbery impossible to prevent. They paid damages to freight in a single month amounting to over \$10,000.00. The most of this occurred on the portage, yet it was invariably charged to the Oregon Steam Navigation Company. The steamboat men realized the disadvantage under which they labored, as they were simply interested in a line of steamers that were wholly dependent on the portages, which were in the hands of rivals. They could see that the Oregon Steam Navigation Company must control the portages, or the portages must control and swallow up the company, or

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<sup>3</sup> Ms.

<sup>4</sup> Lewis and Dryden

in other words, the whole interest must be as one. The question then was simply as to the mastery, and here commenced the struggle. At this time the Bradford's means of transportation over their portage was a very indifferent wooden tramway from what was known as the Middle Landing to the upper Cascades on the Washington side.<sup>1</sup>

Ruckle's means of transportation on the Oregon side was a wooden tramway the whole length of the portage, the lower half, or from the Middle Landing down, was of iron strap and over this portion of the road he ran a small engine. The cars on the upper part of the road were hauled by mules, as they were on the Bradford road. During the high stage of water, say from May to August, the steamers could not run to the Middle Landing, consequently Ruckle transported the freight at such times over the entire portage, for which he received one-half the through freight from Portland to The Dalles, and as Bradford had no tramway below the Middle Landing, he could not claim from Ruckle a division of portage earnings on the lower half of his road. This annoyed Bradford exceedingly, as Ruckle's income from this source, with the immense freight that was then moving, was very great.<sup>2</sup>

J. C. Ainsworth and those who were looking to the interest of the steamboat men, now absorbed The Dalles portage. They stocked the road with teams and wagons at a cost of about \$100,000.00. This immense caravan was taxed to its utmost capacity, as was everything else that they owned. The next step was to bring the board of directors to see the necessity of building a railroad from The Dalles to Celilo and to convince them that the company could safely undertake it. J. C. Ainsworth was dispatched to San Francisco. He found that the house of Colman & Company had about twenty miles of railroad iron, which could be procured by paying freight and charges. He made arrangements to take all of the iron, as they would not divide the lot. The Dalles railroad would only require fourteen miles, so this would be enough for The Cas-

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<sup>1</sup> Ms.

<sup>2</sup> Ms.

acades portage as well. Arrangements were made for the shipment of this iron at once, and the work of constructing The Dalles and Celilo road was commenced. They had completed about three miles of this road at The Dalles, when Mr. Bradford became more and more frightened at the success of Mr. Ruckle on the Oregon side of The Cascades. This led Mr. Bradford to agree to the construction of a road by the Oregon Steam Navigation Company the full length of the portage of the Washington side of the river. As soon as the negotiations for the sale were completed the construction force at The Dalles was taken to The Cascades and placed at work. Ruckle became convinced that his true policy was to sell to the company. The purchase was made that gave everything into the hands of the Oregon Steam Navigation Company, November 4th, 1862, and the price paid was \$155,000.00.<sup>1</sup>

The company that was first organized by special act of the Legislature of Washington Territory, with nominal headquarters at Vancouver, was dissolved December 5th, 1862, and re-organized under the general corporation law of the State of Oregon. This settled the question of supremacy. The Oregon Steam Navigation Company was now master of the river, and all rival interests were now centered in the company.<sup>2</sup> The capital stock was \$2,000,000.00, represented by twenty-five shareholders, at \$500.00 per share, as follows:

Bradford & Co.....	758 shares	J. W. Ladd.....	48 shares
R. B. Thompson.....	672 shares	J. M. Gilman.....	44 shares
Harrison Olmstead....	558 shares	P. F. Doland.....	42 shares
Jacob Kamm .....	354 shares	E. J. Weekes.....	42 shares
L. W. Coe.....	336 shares	S. G. Reed, Agt.....	40 shares
T. W. Lyles.....	210 shares	J. W. Ladd, Agt.....	40 shares
J. C. Ainsworth.....	188 shares	Jos. Bailey .....	36 shares
A. H. Barker.....	160 shares	O. Humason .....	34 shares
S. G. Reed.....	128 shares	J. S. Ruckle .....	24 shares
Ladd & Tilton.....	78 shares	Geo. W. Hoyt.....	18 shares
Josiah Myrick .....	66 shares	Ladd & Tilton.....	16 shares
Richard Williams .....	48 shares	J. H. Whittlesey.....	8 shares
A. H. Grenzebach.....	52 shares		*

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<sup>1</sup> Ms.

<sup>2</sup> Ms.

\* Lewis and Dryden.

The Articles of Incorporation were as follows:

Article 1.

J. C. Ainsworth, D. F. Bradford, R. R. Thompson and S. G. Reed: Their associates, successors and assigns, do hereby associate themselves under and by virtue of the provisions of an act of the Legislative Assembly of the State of Oregon, entitled, "An Act Providing for the Private Incorporations," approved October, A. D. 1862.

Article 2.

The name of this incorporation and by which it shall be known, is the "Oregon Steam Navigation Company."

Article 3.

The object of this incorporation and the business in which it proposes to engage, is the navigation by steam and otherwise of the Columbia River from its mouth to the forty-ninth parallel of north latitude, and the Snake River from its mouth to Fort Boise, and the Willamette River from its mouth to Eugene City, and the Pacific and other oceans, together with the construction and use of all necessary rail or plank or clay roads and bridges at any of the portages of the said Columbia, Snake and Willamette rivers, or to purchase, own and use any such roads that may be constructed, or are now constructed, or may be in the course of construction, and to collect such tolls, fare or freight on all roads, boats or vessels that may be owned, chartered or controlled by said incorporation, as shall be deemed expedient by the officers of said incorporation; and to purchase, and own all lands, lots, wharves, boats and vessels, and all real and personal property of every name and nature, that may be deemed necessary to the interests of said incorporation in the prosecution of the business above referred to, and to sell and transfer the same.

Article 4.

The principal office of this incorporation shall be at the City of Portland in the State of Oregon.

Article 5.

The amount of the capital stock of this incorporation shall be two millions of dollars.

Article 6.

The amount of each share of such capital stock shall be \$500.00.

In Witness Whereof, we have hereunto set our hands this eighteenth day of October, A. D. 1862.

(Signed)

J. C. AINSWORTH,  
D. F. BRADFORD,  
R. R. THOMPSON,  
S. G. REED.

## AMENDATORY AND SUPPLEMENTARY ARTICLES OF INCORPORATION.

Whereas, at a regular annual meeting of the stockholders of the Oregon Steam Navigation Company, held at the office of the said incorporation in the City of Portland, County of Multnomah, in the State of Oregon, all the stockholders being present or represented, on the second day of November, A. D. 1868, the following resolution, by the assent of all the said stockholders, was adopted, namely:

Amend Article number three (3) so as to include the navigation by steam or otherwise of all navigable waters, sea and inland, wherever it may be deemed expedient. Also the constructing, purchasing and operating the telegraph lines, and so far as may be found lawful, the constructing, purchasing and operating of railroads and other roads.

Amend Article number five (5) so as to increase the capital stock to five millions of dollars.

Amend Article number six (6) to make the shares of the value of \$100.00 instead of \$500.00.

- Now, Therefore, We, J. C. Ainsworth, R. E. Thompson, S. G. Reed and W. S. Ladd, directors of the said incorporation, by virtue of the resolution of the said stockholders, in pursuance of the authority therein and under the laws of this State conferred, do hereby make and establish the following Supplementary Articles of the said incorporation:

Article numbered 3 shall read as follows:

The object of this incorporation and the business in which it proposes to engage is the navigation by steam or otherwise of the Columbia River and its tributaries, and all other navigable waters, sea and inland, wherever it may be deemed expedient to construct, purchase, maintain and operate any railroads or roads, macadamized road or roads, plank roads, canals or bridges for the purpose of transporting freight or passengers across any portages on the line of navigation upon any stream or other water which the said corporation may be navigating; also, such other railroads and other roads as under the laws of this State, said incorporation may lawfully engage or be interested in; also, to construct, purchase, maintain or operate telegraph lines wherever it may be deemed expedient and to charge and collect such tolls, fare or freight on all roads, boats or vessels or means of conveyance or transportation as may be owned, chartered or controlled in whole or in part by the said corporation, and such rates for the use of the telegraph lines of said corporation or for the transmission thereon of telegraphic messages as shall be deemed expedient—and to purchase and own all lands, lots, wharves, boats and vessels and all real and personal property of every name and nature that may be

deemed necessary to the interests of the said incorporation in the prosecution of the business above referred to, and to sell and transfer the same.

Articles numbered 5 and 6, the same as before.\*

The Oregon Steam Navigation Company immediately entered upon a career of marvelous prosperity, which never flagged, and the company continued to grow in influence and wealth, until, from the humble beginning made by the insignificant stern-wheelers like the "Carrie Ladd," the Oregon Steam Navigation Company and its successors had become a power in the money centers of two continents. Throughout its entire period of activity this company succeeded in keeping the good will of the people. No worthy traveller was ever refused passage on the Oregon Steam Navigation Company steamers, and many a man was not only carried free, but was given his meals as well. No iron-clad rules prevented the pursers from using their discretion and no injustice was tolerated.<sup>1</sup> The pursers were paid \$150.00 per month and that was extremely good pay for those times. The company demanded no bond of them and trusted to their integrity. They considered that the high wages paid was sufficient to keep the men, and if one was caught stealing from the company, he was discharged without ceremony.<sup>2</sup>

It was a close corporation. Soon after the organization the Bradfords offered to sell their stock at seventy-five cents, or at the rate of \$1,500,000 for the whole property, including steamships. This Bradford stock was purchased by A. Hayward for a pool of those who agreed to take a chance on the future of the company, and purchase its stock whenever it could be had at seventy-five cents. This pool consisted of W. S. Ladd, J. W. Ladd, R. R. Thompson, S. G. Reed, A. Hayward and J. C. Ainsworth. Arrangements were made with Ladd & Tilton to advance money on such purchased stock and charge the pool interest. As soon as Bradford sold

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\* Article of Inc. published by Geo. H. Himes for the O. R. & N. Co.

<sup>1</sup> Lewis and Dryden.

<sup>2</sup> Pape.



his stock, a general stampede occurred with most of the large stockholders outside of the pool named; many were frightened because the control seemed to be going into Hayward's hands, of California, and the offer of stock was more than the pool could well provide, but all was purchased that was offered. At first the object of the pool was to own a decided control of the company and work together in the management, but so much stock was offered and sold that very little was left outside, and then it was thought desirable to purchase all the stock, if possible increase the capital to five millions of dollars and put the stock on the New York market. The result was, that the whole stock was purchased by the pool and the contemplated increase of stock was put through.<sup>3</sup>

The new company began its business under very favorable auspices. Early in its existence the Salmon River gold excitement brought a horde of miners into the country and the Oregon Steam Navigation Company reaped more of the golden harvest in transporting them than any of the treasure-seekers found in the mines. The Florence City gold excitement of 1862 also brought the Oregon Steam Navigation Company a flood of prosperity. The wonderful resources of the new Northwest were now becoming known as they had never been before. This was the banner year of Columbia River steamboating. They could not possibly take care of all of the business offered. The fleet running to The Cascades was frequently unable to handle the people who arrived on the steamships, and the portage was blocked with freight for days at a time, notwithstanding the fact that double crews were operated. A trip with less than two hundred people was light. At Portland the rush of freight to the docks was so great that drays and trucks had to form and stand in line to get their turn in delivering goods. Their lines were kept unbroken day and night for weeks and months. So, notwithstanding the enormous price of freight and passage, it was impossible to meet the demand. A few private boats found plenty of

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business; also the steamer "Maria" of the Independent Line, but she was seized by the government on a technical charge, and in March, 1865, the Oregon Steam Navigation Company got control of her. Another contestant was Captain Van Bergen, who secured the mail contracts between Portland and The Dalles. He controlled the People's Line of Steamers.<sup>4</sup>

As an illustration of the large volume of business done at this time, the following figures were taken from the books at The Dalles for 1862:

Colonel Wright	March 27	\$ 2,625.00
Colonel Wright	March 28	2,446.00
Colonel Wright	March 31	1,570.00
Tenino	April 9	1,405.00
Okanogan	April 11	3,540.00
Okanogan	April 15	1,622.30
Okanogan	April 18	1,020.00
Tenino	April 22	3,232.00
Okanogan	April 25	3,630.00
Tenino	April 27	3,289.00
Tenino	April 29	2,595.00
Tenino	May 5	6,780.00
Okanogan	May 11	2,145.00
Tenino	May 13	10,945.00
Okanogan	May 17	2,265.00
Okanogan	May 26	6,615.00

These are for tickets sold at The Dalles for up-trips only. Down stream the traffic was not so great, but from \$1,000.00 to \$4,000.00 each trip, and the freight was enormous. One up-trip on the Tenino in May produced over \$18,000.00 for freight, fares, meals and berths. The extras and the bar privilege produced a monthly income of \$1,200.00.

The treasure shipments that passed through Portland were in part as follows: June 25, 1861, the steamer "Sierra Nevada" left for San Francisco with a treasure shipment of \$228,000.00. July 3rd, the steamer "Brother Jonathan" left with \$50,000.00 in treasure. July 14th, the steamer "Sierra Nevada," with \$110,000.00 in treasure. August 12th, \$20,000.00; August 24th, \$195,558.00; September 12th, \$130,-

<sup>4</sup> Lewis and Dryden.

000.00; September 30th, \$315,780.00; October 13th, \$203,835.00; November 14th, \$260,483.00; November 29th, \$240,000.00; December 5th, \$750,000.00. On October 12, 1865, Wells Fargo & Company shipped \$150,000.00 in crude bullion. Another trip brought 1,125 pounds of crude bullion, twenty-eight sacks averaging forty pounds each.<sup>1</sup>

Wells Fargo exports of treasure were as follows:

1864 .....	\$6,200,000.00
1865 .....	5,800,000.00
1866 .....	5,400,000.00
1867 .....	4,001,000.00

The merchandise exports, wholesale prices, for 1866:

Apples—68,860 boxes at \$1.00 per box.....	\$ 68,860.00
Dried Apples—2,603 pkgs. at \$10.00 per pkg.....	26,030.00
Bacon—4,376 gunnies at \$16.00 each.....	70,016.00
Eggs—1,760 packages at \$10.00 per package.....	17,600.00
Flour—29,813 barrels at \$5.00 per barrel.....	149,065.00
Hides—4,674 at \$1.50 each.....	7,011.00
Onions—1,325 sacks at \$4.00 each.....	5,300.00
Pork—72 barrels at \$20.00 per barrel.....	1,440.00
Pitch—292 barrels at \$50.00 per barrel.....	1,752.00
Staves and Headings—59,203, gross value.....	15,000.00
Shooks—14,972 at \$0.40 per shook.....	5,989.00
Varnish—124 packages at \$10.00 per package.....	1,240.00
Wool—1,671 bales at \$40.00 per bale.....	66,840.00

Total .....\$457,967.00

The total value of the merchandise exports in 1867 was \$2,462,793.00.<sup>2</sup>

The freight and passenger traffic handled between 1861 and 1865 was as follows:

Year.	Passengers.	Tons of Freight.
1861 .....	10,500 .....	6,290
1862 .....	24,500 .....	14,550
1863 .....	22,000 .....	17,646
1864 .....	36,000 .....	21,834*

<sup>1</sup> *Weekly Oregonian* of dates noted.

<sup>2</sup> *Overland Monthly*, July, 1868.

\* *Pacific Monthly*, Jan.-June, 1907.

The marked increase of 1862 was occasioned by the absorption of the Willamette River boats.

The advertisements of the company for 1866 show the facilities offered by them. Thus: the steamboat "Wilson G. Hunt" left Portland at 5:00 A. M. daily, reached The Cascades at 11:00 A. M. Left at 4:00 P. M., arrived in Portland at 10:00 P. M. The steamer "Cascade" left The Cascades at 5:00 A. M., reached Portland at 11:00 A. M., started back at 4:00 P. M., reached The Cascades at 10:00 P. M. A train on the "Cascade Railroad" was "dispatched" on the arrival of the Portland boat connecting with the steamboats "Oneonta" and "Idaho" for The Dalles. From there trains on The Dalles and Celilo railroad connected with steamboats leaving daily for all points on the upper Columbia and Snake rivers. The boats above The Dalles were the "Webfoot," "Spray," "Tenino," "Yakima," "Nez Perce's Chief," and "Owyhee."<sup>1</sup>

The policy of the company was to charge high rates, all in fact that the traffic would bear. Its earnings were consequently good, the company paying as high as 12 per cent on its \$5,000,000.00 capital as annual dividends.<sup>2</sup> All freight except solids such as lead, nails, etc., were estimated by measurement, forty cubic feet making a ton.<sup>3</sup> The passage from Portland to The Dalles was \$8.00 and \$0.75 extra for meals. Portland to Lewiston, \$60.00 and meals and beds \$1.00 each. Today the price of freight from Portland to The Dalles is \$1.50 per ton and passage \$1.50 and \$0.25 extra for meals.<sup>4</sup> H. D. Sanborn, a merchant of Lewiston, in 1862 received a case of miner's shovels. The case measured one ton and contained 120 shovels. The freight, \$120.00 per ton, made the freight on each shovel \$1.00. A merchant at Hood River, eighty-five miles, said that before the railroad the freight on one dozen brooms was one dollar. When O. B. Gibson was in the employ of the company at The Dalles, he went down to

<sup>1</sup> *Pacific Monthly*, Jan.-June, 1907.

<sup>2</sup> *Pacific Monthly*, Jan.-June, 1907.

<sup>3</sup> *Oreg. Hist. Soc. Quar.*, June, 1906, No. 2, p. 123.

<sup>4</sup> *Oreg. Hist. Soc. Quart.*, June, 1906, No. 2, p. 123.

get the measurement of a small mounted cannon that had to be shipped for the government. After measuring several ways and figuring up the amount, he seemed so perplexed that he attracted the attention of two soldiers who were lying in the shade of a pine tree near by. One of them finally called out, "What is the trouble, Captain?" "I am trying to take the measurement of this blamed gun, but some way I cannot get it right," said Gibson. "Oh, I will show you," said the soldier, leading up a pair of harnessed mules that stood near and hitching them to the gun, "Try it now, Captain." "Thanks, that makes it all right; I see now why I could not get the correct measurement." In measuring a wagon or any piece of freight the full length, height and thickness were taken and carried out full size, the largest way of the piece. For instance, a wagon was measured from the back wheels to the end of the tongue, then the tongue was turned up and it was measured from the ground to the tip of the tongue again. This constituted the cubic contents, nothing deducted for vacuum, but when the wagon was shipped the tongue was placed under the wagon box out of the road.\*

Following is a statement of freight charges by the Oregon Steam Navigation Company, taken from their schedule of rates that went into effect April 1, 1877:

#### RATES OF FREIGHT PER TON MEASUREMENT.

Portland to The Dalles, 121 miles.....	\$10.00
Portland to Umatilla, 217 miles.....	20.00
Portland to Wallula, 240 miles.....	25.00
Portland to Palouse, 317 miles.....	32.00
Portland to Penewawa and Almota, 348 miles.....	37.50
Portland to Lewiston, 401 miles.....	40.00
Fast freight, \$2.50 per ton extra to The Dalles.	
Fast freight, \$5.00 per ton extra to all points above The Dalles.	

#### PASSENGER CHARGES.

Portland to The Dalles .....	\$ 5.00
Portland to Umatilla .....	10.00
Portland to Penewawa and Almota .....	18.00
Portland to Lewiston .....	20.00

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\* Oreg. Hist. Soc. Quart., June, 1906, No. 2.

All bills payable in United States gold coin. That is to say, it cost to ship a ton of freight from Portland, Oregon, to Umatilla, 217 miles, via Columbia River, \$20.00 in gold coin or nine and one-fourth cents per ton per mile. From Portland to Lewiston, Idaho, 401 miles, \$40.00 per ton or ten cents per ton per mile. Compare this with the cost of transporting a ton of freight by water from Chicago to New York, less than one cent or nine and three-fifths mills per ton per mile. The Missouri River from St. Louis to Fort Benton, 3,200 miles, \$32.00 per ton, or \$1.00 per 100 miles, or one cent per ton per mile. Also the Missouri River is one of the most dangerous and difficult streams to navigate on the continent; filled with eddies, quicksands and constantly changing channels—yet freight on this dangerous river was carried for about one-tenth the price that ruled the upper Columbia. Thus, the cost of moving a ton of freight up the Columbia was ten times greater than moving a ton along any principal water course on the continent. Also that which constituted a ton by weight on routes between Chicago and New York and from St. Louis to Fort Benton on the Missouri River, and on most other of the water transportation routes in this country, constituted on the Columbia, under their system of measurement of freight, an average of more than one-third more, in many instances, depending on the character of the freight, one-half, three-quarters, twice as much and sometimes three times as much. For instance, an article measuring a ton, but not actually weighing over two hundred pounds, would cost on the Columbia and Snake rivers from Portland to Lewiston, 400 miles, \$40.00, or at the enormous rate of \$400.00 per ton, according to weight, or \$1.00 per ton per mile. From statistics compiled by W. J. McAlphin, State Engineer of New York, about 1868, the average cost of transportation by railroad was thirteen mills per ton per mile. From a table of freight charges on the Willamette River, published November 1, 1866, we learn that the average charge on this river was 175 mills per ton per mile.<sup>1</sup>

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<sup>1</sup> Senate Doc. No. 344, February, 1890.

The following is a copy of a circular issued showing the rules of the Oregon Steam Navigation Company, adopted April 22, 1878, and published by them, illustrative of the absolute and exclusive power which they exercised over the commerce of the Columbia River:

(1) This Company will not take the freight to carry to any point upon the Columbia or Snake rivers above Celilo, except upon an agreement that it shall have the entire water carriage of the same to its place of final destination so far as the Company's lines extend. The Company before receiving such freight may require of the owner or shipper, such agreement in writing with surety or otherwise which shall provide that if the terminus of the water carriage of the shipment or of any portion of the same shall be falsely represented in the shipping receipt or otherwise, and the freight shall, by direction of the owner in said shipping receipt or otherwise, be landed before arriving at such terminus and shall be further carried upon steamboat or boats or vessels not belonging to this Company, then the party to such an agreement shall be held for and bound to pay to this Company, full freight for such further water carriage at local rates, and in the same manner as if this Company had carried the same to the terminus of its water carriage, and that such re-shipment on another than a Company boat or vessel, within thirty days after a landing of the same as herein above stated, from the Company's boat or boats, shall be taken and held to be conclusive evidence that the terminus of water transportation of said freight was falsely represented and that the true terminus was the point to which it was finally carried. And said agreement shall contain a further stipulation in case action is brought thereon and a recovery by the Company had, the judge, justice of the peace or court before whom or which the action is tried, shall include in the amount of the judgment as disbursements, such sum over and above the taxable cost as he or they shall determine to be reasonable attorney's fees for the prosecuting said action.

(2) All down freight from points on the Columbia or Snake rivers which is brought to Wallula, Umatilla or Celilo, on any steamboat or other water craft not belonging to this Company and is re-shipped for further carriage by this Company, will be charged the usual rates of the Company, from the point of shipment upon such other steamboat or water craft, which freight shall be paid in advance at the time of shipment. This rule shall not apply to produce brought by the farmer or producer in his own boat to the said shipping points of Wallula, Umatilla or Celilo.

(Signed) S. G. REED, Vice-President,  
Oregon Steam Navigation Co.\*

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\* Senate Doc. No. 75, 1877.

Owing to their obtaining high rates, opposition boats were started more or less spasmodically on the Columbia and Willamette rivers. A line known as the Willamette Steam Navigation Company operated between Portland and Oregon City, and from that point to Corvallis and Eugene City for several years. In 1862 the People's Transportation Company was organized with a capital stock of \$2,000,000.00. This company had steamers on the upper and lower Willamette for over eleven years, and then sold out to Ben Holliday. The directors were: C. S. Kingsley, David McCully, Leonard White, S. Coffin and S. D. Church. The officers were: President, S. Coffin; vice-president, C. S. Kingsley; treasurer, A. C. R. Shaw.<sup>1</sup>

When the locks at Oregon City were completed, the parties controlling them, Goldsmith and Teal, constructed several steamboats and began the navigation of the Willamette River between Portland and Eugene City; later they put boats on between Portland and Astoria in opposition to the Oregon Steam Navigation Company's boats. This opposition continued for two years. The Oregon Steam Navigation Company put a couple of boats on the Oregon City run and the outcome of it was that they purchased a controlling interest in the locks and the Goldsmith steamers, and organized a new Company under the name of the Willamette Transportation and Locks Company, and J. C. Ainsworth was elected president. The new company purchased the Basin and warehouse at Oregon City, together with the six steamers that had been rivals of the Goldsmith party.<sup>2</sup>

About this time the Grangers were in the zenith of their glory and power. They resolved to ignore all other interests but their own and were particularly hostile to all other transportation companies. They were led to believe that nearly all receipts of steamboats were profit, and notwithstanding the Willamette Transportation and Locks Company was transporting freight at a loss, they organized a company and

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<sup>1</sup> Lewis and Dryden.

<sup>2</sup> Ma.



secured a large farming element as stockholders, and put on the river two new steamers in opposition to the Willamette Transportation and Locks Company, which already had twelve steamers with only business for half that number. These Granger boats were run for nearly two years, having the whole community to back them up with credit, sympathy and business. They were managed by men wholly unacquainted with the business, but who did not learn that it costs money to build and run steamboats. The managers finally determined to sell their boats, as no one cared to invest good money to continue the fight with all the odds against them. The result was that the Oregon Steam Navigation Company bought the two boats at their own price.<sup>3</sup> Soon after the capital stock was changed to \$5,000,000.00, business fell off decidedly, owing to the decline of the mines, but they looked forward to the building up of an agricultural business in the near future.<sup>4</sup>

By 1871 the Northern Pacific Railroad was in the zenith of its prosperity and desired to use the Oregon Steam Navigation facilities in connection with their enterprise. They proposed to purchase a control of the Oregon Steam Navigation stock and invited an interview with an authorized committee from the Oregon Steam Navigation Company to meet them in New York City. Mr. Thompson and Mr. Ainsworth were appointed with authority to sell. They met the company in New York and after much talk and frequent disagreements, they effected the sale of three-fourths of the capital stock of the Oregon Steam Navigation Company, at the rate of \$2,000,000.00 for the whole, taking one-half of the amount in N. P.

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4 In 1860 a "genius" at Corvallis decided that steamers were too expensive, so he constructed a tread mill and cattle and hay for motive power. Coming down on the first trip, the vessel ran, or rather walked ashore at McGooglin's slough, where she remained until the cattle had devoured nearly all of the feed. She was finally pulled off by the steamer "Onward" and paddled on down to Canemah, but did not have sufficient power to return and the skipper was obliged to sell his oxen and the scow went over the falls. This method of competing with steamboats has not been tried since.—Lewis and Dryden.

R. R. Company bonds at par and giving easy time for the money payments. The old owners of the company retained one-fourth of the stock and continued in the management, so they considered that they had made a good sale, but subsequent events proved it to be a mistake. Through the failure of Jay Cooke & Company, in 1873, the Northern Pacific was forced into liquidation, and the bonds that the Oregon Steam Navigation directors still held and could have sold for cash at about ninety cents, dropped to ten cents. The three-fourths of the capital sold to the Northern Pacific passed into the hands of the bankrupt estate of Jay Cooke & Company, and here it remained locked up for a long time. This failure served to shrink values all over the United States. The result was that Oregon Steam Navigation stock went down in the crash with other stocks. A plan was adopted by the trustees of the estate of Jay Cooke & Company to pay its creditors in kind. Each creditor accepting the proposition received fourteen per cent of his claim in Oregon Steam Navigation stock at forty per cent of its par value. This, as the creditors slowly and reluctantly came forward to accept, began to throw Oregon Steam Navigation stock on the Philadelphia and New York market. Parties taking it knew nothing about it and offered it at once for sale, and as they were ignorant of its value, the Portland directors were not slow in improving this opportunity to buy back a sufficient amount as would again give them control. Some of it was purchased as low as thirteen cents and the average cost of enough to give control was about twenty cents, so in the end, covering a period of about five years, they found themselves the owners of the large majority of the stock at about half the amount that they had sold for.<sup>1</sup>

In 1879 Mr. Villard came to Oregon with the avowed purpose of purchasing the Oregon Steam Navigation property or commencing opposition. He asked J. C. Ainsworth whether he and his associates were willing to sell. Mr. Ainsworth refused to take less than \$5,000,000.00. An inventory of the company's property was made, together with a statement of

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<sup>1</sup> Oberholtzer.

the earnings for several years, with an offer to sell 40,320 shares at par. The directors thought that it was too big a deal for Mr. Villard, but he considered it a bargain. His plan was to form a new company, the Oregon Railroad and Navigation Company, with a capital stock of \$6,000,000.00 and an issue of \$6,000,000.00 of six per cent bonds. He got an option till October 1st, by depositing \$1,000.00 in cash, which called for 40,320 shares of stock at par, to pay fifty per cent cash, twenty per cent bonds, and thirty per cent stock. He allowed \$1,000,000.00 stock and \$1,200,000.00 in bonds for the Oregon Steamship Company, and \$2,000,000.00 stock and \$2,500,000.00 bonds to raise the cash required for Ainsworth. Leaving \$1,800,000.00 stock and \$1,500,000.00 bonds for the purchase of thirty-five miles of Walla Walla railroad and Willamette Valley Transportation and Lock Company. \$1,200,000.00 stock and \$800,000.00 bonds were reserved for new steamers. He submitted his plans to Gould, but got a cool reception. He therefore laid the proposition before his friends in the East. His plan was to unite all the transportation facilities in Oregon. He asked his friends to join in exchanging Oregon Steamship for Oregon Railroad and Navigation securities, and to subscribe for the required cash payments for bonds at ninety with a bonus of seventy per cent in stock. He received a prompt response.<sup>2</sup> Thus, the Oregon Railroad & Navigation Company grew out of the Oregon Steam Navigation Company, and the Oregon Steam Navigation Company, after a score of years of prosperity unparalleled in the annals of steam navigation, passed out of existence in 1879. The Oregon Railroad & Navigation Company was incorporated July 13, 1879, with a capitalization of \$6,000,000.00, divided into \$100.00 shares. Henry Villard was president.

The list of steamers that came into possession of the Oregon Railroad & Navigation Company were as follows:

	When Built.
"Idaho" .....	Side wheeler ..... 1860
"Colonel Wright" .....	Stern wheeler ..... 1861

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<sup>2</sup> *Pacific Monthly*, Jan.-June, 1907.

		When Built.
"Tenino" .....	Stern wheeler .....	1861
"Nez Perce's Chief" .....	Stern wheeler .....	1863
"Enterprise" .....	Stern wheeler .....	1863
"Senator" .....	Stern wheeler .....	1863
"Oneonta" .....	Side wheeler .....	1863
"John H. Couch" .....	Side wheeler .....	1863
"Iris" .....	Stern wheeler .....	1864
"Active" .....	Stern wheeler .....	1865
"Webfoot" .....	Stern wheeler .....	1865
"Alert" .....	Stern wheeler .....	1865
"Okanogan" .....	Stern wheeler .....	1866
"Shoshone" .....	Stern wheeler .....	1866
"Rescue" .....	Stern wheeler .....	1868
"Spray" .....	Stern wheeler .....	1868
"Lucius" .....	Stern wheeler .....	1868
"Yakima" .....	Stern wheeler .....	1869
"Emma Hayward" .....	Stern wheeler .....	1870
"McMinnville" .....	Stern wheeler .....	1870
"Dixie Thompson" .....	Stern wheeler .....	1871
"E. N. Cook" .....	Stern wheeler .....	1871
"Daisy Ainsworth" .....	Stern wheeler .....	1872
"New Tenino" .....	Stern wheeler .....	1872
"Alice" .....	Stern wheeler .....	1873
"Welcome" .....	Stern wheeler .....	1874
"Bonita" .....	Stern wheeler .....	1875
"Orient" .....	Stern wheeler .....	1875
"Occident" .....	Stern wheeler .....	1875
"Champion" .....	Stern wheeler .....	1875
"Almota" .....	Stern wheeler .....	1876
"S. T. Church" .....	Stern wheeler .....	1876
"Oklahoma" .....	Stern wheeler .....	1876
"Annie Faxon" .....	Stern wheeler .....	1877
"Wide West" .....	Stern wheeler .....	1877
"Mountain Queen" .....	Stern wheeler .....	1877
"Spokane" .....	Stern wheeler .....	1877
"Bonanza" .....	Stern wheeler .....	1877
"Northwest" .....	Stern wheeler .....	1877
"R. R. Thompson" .....	Stern wheeler .....	1878
"S. G. Reed" .....	Stern wheeler .....	1878
"Harvest Queen" .....	Stern wheeler .....	1878
"John Gates" .....	Stern wheeler .....	1878
"Willamette Chief" .....	Stern wheeler .....	1878*

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\* History of Portland, by Harvey Scott.

The achievements of the Oregon Steam Navigation Company from the time it was organized until it was finally merged into the Oregon Railroad & Navigation Company, form an important portion of the marine history of the Northwest. They took a few small and practically insignificant steamboats and other accommodations equally deficient and with such beginnings they formed a large and well-equipped system of transportation all along the line of the great water route of the Northwest. They built great warehouses at Portland, The Dalles and Umatilla and other stopping points; they improved the portages; they extended their lines into undeveloped country. They built the best equipped steamers possible and in every way provided for good, reliable service. They started with an original investment of \$172,500.00 and put \$3,000,000.00 more into improvements alone, which shows their willingness to meet the demands of the country as placed upon them. No private individual could have stood the expense of opening up new branches and taken the lead in developing new parts of the country. This company filled in a natural gap between the coming of the pioneers and the railroads. In the shipment of wheat it aided in the development of that country beyond the Cascade Range, known as the Inland Empire. This company at an early date got control of the portages on the Columbia River and thus effectually blocked all chances of competition. This control of the portages was the chief cause of bringing the company to the notice of Congress. Here discussions arose concerning the locks at the Cascades and a canal or a portage railway at The Dalles rapids, which led to the improvement of the Columbia at these points.

Thus the growth and mission of this company were practically the growth of the Inland Empire up to 1880. It carried thither the miner and farmer to prospect and develop it and in turn, as its legitimate reward, returned to its headquarters in Portland the wealth it had absorbed, and it made upon the Northwest Coast in the State of Oregon, a metropolis second only to San Francisco. Through its agency, Portland

became the great center of travel and the point of distribution for the North Pacific.

For a score of years it continued to be the great missionary to dedicate new regions to settlement and to transform the wilderness. It reached out year after year, making new paths and bringing new and remote sections within the sphere of civilization. While legitimately pursuing its business of making money, claiming no credit whatever for philanthropy, it widely contributed to the comforts of self-denying pioneers and to them it early assured those advantages which are only attained by comfortable means of communication with the rest of the world.

All the steamboat men of the Northwest were in some way connected with the Oregon Steam Navigation Company, but more credit is due to Captain J. C. Ainsworth than to any of the others for the efficient, business-like yet generous methods of the company. Mr. Ainsworth and Mr. Thompson worked together as one man almost from the beginning of the company, planning, advising and acting; and to them alone was known the real inside history of the Oregon Steam Navigation Company. But it sometimes happened that Mr. Thompson could not be present during the consideration of an important problem, then Mr. Ainsworth had to take things into his own hands, and in such difficult situations he proved himself to be the very spirit of the company. He dealt with the scheming, under-handed element with all the justice and broadmindedness of the leader that he was. He never acted with selfish motives. He looked out for the interests of the company of which he was president with such diligence and zeal that we can safely say that it was chiefly due to his wonderful foresight and perseverance that the company was such a great success. He was indeed a leader in the early development of this new Northwest and no history of this country is complete without a special mention of him. His life is a good example of a successful business career, and the marvelous success of the Oregon Steam Navigation Company is part of that life. Oregon may well be proud of her "First Monopoly," and all

honor is due to the man who engineered such a straightforward business enterprise.

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Henry Pape.  
 Geo. H. Himes.  
 J. C. Ainsworth, Jr.

**Manuscript—**

History of the Life of Captain J. C. Ainsworth, written by himself for his children.



N. B.—This thesis is written with special reference to the manuscript of Captain J. C. Ainsworth. He was president of the O. S. N. Co. at the time that he wrote it, and by comparison with the other authorities quoted it is found to be good authority.

I wish to express my thanks to Mr. J. C. Ainsworth, Jr., for his kindness in permitting me to use this manuscript. Without it I could not have given a clear account, because most of the writers only refer to the O. S. N. Co. in connection with some general subject at hand. The newspapers are not very generous with information on this subject, and the Senate Documents are extremely partisan.

I also appreciate the help of Mr. Geo. H. Himes of the Oregon Historical Society, and Miss McBride at the Portland Public Library.

## DOCUMENTS.

### SUBSCRIPTION LIST FOR RAILROAD SURVEY FUND.

The following subscriptions are received for the purpose of defraying in part the cost of making a preliminary survey for a railroad route, connecting the Pacific Railroad in California with the City of Portland, Oregon, we, the undersigned, subscribers, agree to pay the amount hereunto subscribed by us, for the above purpose, to S. G. Elliott, on demand made by him. On the final organization of the railroad company, it shall be optional with the undersigned subscribers, to become stockholders in said company to the amount subscribed by each, at the rate of \$10.00 per share, with the privilege of one vote to each share, or not. If they choose to become stockholders as above, they each shall be credited on the books of the company, for the full amount subscribed by each. If they do not become stockholders, said company, as soon as able, shall pay them back the amount subscribed by each without interest. It is further agreed that the subscribers to this list shall not be required to pay, or made liable for any amount beyond that by them subscribed.

October, 1863.

Names.	Amount subscribed.
C. Boylery	\$10.00 (Paid.)
John Robison	40 bushels of wheat, at Pheonix.
D. E. Steaves	\$5.00 (Paid.)
G. Naylor	\$2.50 (Paid.)
John Holton	\$2.50 (Paid.)
M. Mickelson	\$2.50 (Paid.)
B. B. Hargadine	\$5.00 (Paid.)
E. Emery	\$5.00 (Paid.)
Lindsay Applegate	\$10.00 (Paid.)
O. C. Applegate	\$2.50 (Paid.)
John Murphy	5 bushels of wheat, at Wagner & McCall's mill (Settled by note.)
J. C. Tolman	\$16.00 (Paid in supplies and 30 bushels of wheat to be delivered at Wagner & McCall's mill. Settled by note.)

Names.	Amount subscribed.
P. Dunn	5 bushels of wheat, to be delivered at Wagner & McCall's mill, Ashland (Settled by note.)
H. F. Baren	\$18.00 (Paid in supplies to S. G. Elliott.)
Wagner & McCall	50 bushels of wheat, delivered at Wagner & McCall's mill (Settled by note.)
Enoch Walker	\$4.00 in supplies (Paid to S. G. Elliott.)
B. F. Myer	10 bushels of wheat, at Ashland Mills.
W. C. Myer	10 bushels of wheat, at Ashland Mills.
W. Beeson	25 bushels of wheat at Ashland Mills. (All three settled by note.)
J. G. Van Dyke	\$3.50 (Paid in supplies to S. G. Elliott.)
John S. Herrin	10 bushels of wheat, delivered at Foudray's mill (Settled by note.)
Amos E. Rogers	\$10.00 (To be paid in board.)
C. S. Seargent	\$2.00 (Paid.)
John Watson	40 bushels of wheat, delivered at Allen's mill.
Emesson E. Gore	\$10.00 in legal tenders (Paid in wheat at Allen's mill.)
M. Riggs	20 (twenty) bushels of wheat, delivered at Phoenix Mill.
William Wright	22 bushels of wheat, at Foudray's Phoenix Mill.
Frederick Heber	40 bushels of wheat, at Allen's mill.
S. D. Van Dike	25 bushels of wheat, at Phoenix Mill.
John Coleman	\$10.00 (Paid.)
Joseph A. Crain	20 bushels of wheat at Phoenix Mill.
J. T. Glenn	\$25.00 (Paid by note.)
Wm. Hesye	\$12.00 (Paid by note.)
W. K. Ish	25 bushels of wheat, at Foudray's mill.
H. A. Breitbarth	\$2.50 (Paid.)
J. Gaston	\$10.00 (Paid.)
McLaughlin & Klippel	40 bushels of wheat, to be delivered at Poole ranch (Paid by note.)
W. H. Hyde	\$5.00 (Paid.)
J. E. Ross	40 bushels of wheat, at Allen's mill.
Aaron Chambers	25 bushels of wheat, at Allen's mill.
M. Hanly	\$10.00 (To be paid in wheat at Allen's mill.)
Granville Sears	15 bushels of wheat, at E. D. Foudray's mill.
R. S. Belknap	20 bushels of oats, to be delivered at Hunter's ferry.
U. S. Hayden	\$10.00.
John Neuber	\$5.00 (Paid.)
H. Amerman	\$5.00 (To be paid at Gasburg.)
Beall & Bro.	100 bushels of wheat at Allen's mill.

## DOCUMENTS.

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Names.	Amount subscribed.
Wm. H. Merriman	20 bushels of wheat, at Allen's mill.
Haskell Amy	20 bushels of wheat, at Allen's mill.
Alexander French	20 bushels of wheat, at Foudray's mill.
Merit Bellinger	10 bushels of wheat, at Foudray's mill. (The five last subscriptions settled by note.)
James Thornton	40 bushels of wheat, delivered at Phoenix Mill. (Paid by note.)
Woodford Reames	20 bushels of wheat, delivered at the Phoenix Mill (Paid by note.)
E. K. Anderson	30 bushels of wheat at Phoenix.
D. P. Anderson	10 bushels of wheat, at Phoenix.
Joshua Patterson	5 bushels of wheat, at Phoenix.
D. P. Brittain	5 bushels of wheat, at Phoenix Mill. (The last four subscriptions paid by note.)
I. V. Amerman	\$15.00 (Paid—\$10.00 in coin and \$5.00 in greenbacks.)

## NOTES.

*The Iowa Journal of History and Politics* for July reports that "the marking of the famous Oregon Trail through Nebraska is planned as a work of co-operation between the Daughters of the American Revolution and the Nebraska State Historical Society. It is hoped that this excellent idea may be carried to a successful conclusion."

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The project of a Lincoln Memorial Highway extending from the national capital to Gettysburg is being strongly advocated. Congressman Theodore E. Burton ardently champions the idea in a recent number of the *Review of Reviews*. It would be most fortunate to have the American people turn to the building of great highways as memorials. A transcontinental highway on the line of the Oregon Trail as a memorial for the Oregon pioneers would be then inevitable.

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The State convention of teachers held in June at Eugene was greatly pleased with the announcement that the State Historical Society had in preparation a series of history leaflets for the schools. They appreciate the aid these will be in making more real the words of their regular texts.

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of the  
Oregon Historical Society.

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DECEMBER, 1908

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# THE QUARTERLY

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[The QUARTERLY disavows responsibility for the positions taken by contributors to its pages.]

### SLAVERY QUESTION IN OREGON—II.

By T. W. DAVENPORT.

Any account of the anti-slavery men of Oregon, which omits the name and services of Joseph Magone, is inexcusably deficient; for he was considerably above the average, physically and mentally, and though somewhat erratic at times, he performed valuable service for the Oregon people. In 1847 he received the appointment of Major of the volunteer force raised to punish the Cayuse Indians for the murder of Dr. Whitman and family, and thereafter was generally known as Major Magone.

The Major was of distinguished personal appearance, of unusual activity, energy and endurance, of chivalric instincts, acute perception, had a prodigious memory, was adroit in argument, forceful in speech, dearly loved controversy, and was generally present to take part on all occasions of a public nature permitting contests. Thus endowed, it would be strange if he had not loved argument for argument's sake, but there was considerable opportunity for the exercise of his faculties in advocating his opinions, which were, in great part, at variance with the habits of the times. His equal rights tenets were very broad, taking in all the tribes of men, women and children. Temperance, woman suffrage, education, never failed of his support, and his fealty to the principles in his category never wavered for the sake of political preferment, which, no doubt, would have pleased him, but which passed

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him by on the other side. He was a radical; and radicals, as every one knows, are never wholly trusted: an intellectual gladiator whose help was always welcome to somebody at some time. Now here, to administer discomfiture to a slavery propagandist who lacked the virtue of discretion; now there to cheer the condemned pioneers of the woman suffrage movement; anon as earnest and trenchant champion to demolish the defenses of King Alcohol; or in default of foes, taking part in the exercises of educational associations, where his peculiar talents again found scope and appreciation, for they were tempered by remarkably genial expression. Still, he was more feared than loved; his temperament was too igneous, his intellect too exacting, his ego too prominent, for continuously pleasant companionship. During the regime of suppression, the arena for debate was comparatively deserted, and so the Major lacked the fullness of opportunity, but he deserves recognition by those he has served. His home was nearly on the boundary between the counties of Marion and Clackamas, where he had selected a section of the most valuable land to be found in the State.

On the Waldo Hills, in the east part of Marion County, lived the Rev. Thomas H. Small, an emigrant of 1853, coming from east Tennessee. He was born in Kentucky and had lived from birth there and in Tennessee; was a true southerner in his love of the South and its people, but he had grown out of harmony with their peculiar institution. One of his brothers, living in Alabama, and others of his near relatives were slaveholders, and while, for their sake and that of the social peace, he could refrain from preaching and talking against slavery, his moral and religious convictions were too deep and his pride of personal character too strong to get along agreeably in a community which construed silence into an offense. He was too earnest to smile and shilly-shally in presence of conduct that was contrary to Christian duty, even for the sake of peace. While a delegate to the Presbyterian Synod which met at Pittsburg, he spoke of the difficulty of

1853

being a Christian and holding slaves, a confession which made him an undesirable citizen of his much loved South.

The disagreement had become critical, and as he saw no prospect of any amelioration in the social environment in the slave States, and his large family of sons and daughters would probably become involved and interested in perpetuating human chattelhood, he resolved to emigrate to Oregon, where the state of society was in harmony with moral precepts and left men conscience free. His coming to Oregon was, as he said, a great deliverance for himself and family, and also a wholesome addition to our pioneer society, which soon after needed men of high moral principle and unshakable firmness of purpose to resist the machinations of the malign power from which he fled. And Mr. Small's presence here was alone of great assistance, as it afforded an object lesson of the mutual and irreconcilable antagonism which slavery engendered among even members of the same family. During his southern experience he became acquainted with all phases of the slave system, and while he seldom spoke of the atrocities inseparable from it—for he considered the southern people as good as those of the North—he laid all the blame upon the system, which he denounced as a school of barbarism.

Mr. Small was a very strong character; on first acquaintance seemingly stern and imperious in bearing, but really a genial and companionable person, independent himself and desiring others to be the same. He was a steadfast and loyal friend, and exercised a strong influence in favor of righteous living.

A familiar presence among the opponents of the Oregon democracy, prior to the year 1859, was "Old John Denny," of Marion County. The word "old" was not hitched on to his name, from any levity or disrespect, but from his venerable appearance and admiration for his excellent qualities of head and heart. He was not an orator, as the word is generally understood, and though old fashioned as to pronunciation, and home-educated, it was reported that Abraham Lincoln said of him, he could make a better off-hand speech than any other

man in his county. He was an industrious reader and thinker, full to overflowing of wit and wisdom, which made him one of the most instructive and charming of fire-side companions. As one educated man said of him, "He was chock-full of home-brewed philosophy which went down about the roots of things." He was nominated for Governor, much against his wishes, by the Republican State convention which met at Salem in the spring of 1858, the year that the Democratic party in Oregon split in twain and most of the nominees of the Republican convention resigned from the ticket to encourage the fight. It is recorded somewhere that Mr. Denny also withdrew, but against the record, I assert that the resignation was without his authority. Shortly after the publication of his withdrawal, he made a speech in Silverton, during which one of his old Illinois friends called aloud, "Uncle John! it is reported that you have resigned in favor of the softs, is that so?" The questioner was rather abrupt but Mr. Denny replied without hesitation and with a humorous conversational drawl, "Eli, you have known me a long time and should have a better opinion of me than that. Why should you expect that after a long life spent in fighting the Goths I would at last surrender to the Vandals?" He was fertile and ever brain-ready for casting such thunder bolts, and was never known to be caught out. In the winter of that year he stayed all night at my home on the Waldo Hills, at which time he desired me to go with him to Seattle, which he predicted would become a great city. He was quite old; as he said, "with one foot in the grave and the other ought not to be out;" but his mind was vigorous and youthful and this, with his large experience, made him a most valuable citizen, in fact, a teacher everywhere.

In the spring of 1854, people in the Waldo Hills, busily engaged in farming, heard of an exciting political canvass going on in the towns and at the polling places in Marion County, in which the Democratic candidates were said to be getting the worst of the fight. It was quite odd and wholly unexpected, as the Whigs had made no nominations, in fact

had never made any in the county, and to ascertain what it all meant, the farmers took a day off to see the show as it revolved near them. Several of us attended the meeting at the school house, within the site of the present town of Silverton, and after hearing the debate, we did not wonder at the general stir among the people and the consequent solicitude of the Democratic candidates, who though above the average of representatives from the "cow counties," were not habitual and trained public speakers. Their lone opponent, on the other hand, was extraordinarily gifted for such contests. He was a forcible and attractive public speaker, a capital story-teller, skilled in logic, an accomplished rhetorician whose diction and copious vocabulary needed no amendment to fit it for the press. He was new to the territory, having arrived overland in the fall of 1852, and engaging in the confinement of school teaching, but few persons had heard of him. But from the time of this notable canvass everybody heard of Orange Jacobs and learned something of his history—that he was a native of Michigan, a graduate of the Ann Arbor Law School, and had a State reputation as a temperance lecturer. In 1854 Democratic politics was overshadowing in Marion County and permitted little else to grow. Indeed, if I were to personify it, I should liken it to a great, rollicsome, thoughtless fellow, over-bearing through ignorance, but of naturally good heart, and had had his own way so long that he considered himself a normal outgrowth of human nature.

Something more than ordinary was needed to awaken the sleeping faculties of the Marion County people, and so some Methodist ministers, having heard Mr. Jacobs speak, solicited him to run for the Legislature on the Maine-law platform. That he came within twelve votes of being elected in the banner county of democracy, is sufficient proof of the thoroughness of its presentation. The monstrosities and absurdities of the license system in a country governed by law and among a people striving for the improvement of society, were as exhaustively shown as they ever have been since, after fifty years' experience with alcoholic demoralization. Mr.

Jacobs ran again the next year, 1855, but a Democratic Legislature had in the interim enacted into law the *viva voce* or open ticket system of voting, the more effectually to prevent Democrats straying away from the party and its principal rendezvous, the saloon, whereby the Maine-law candidate was left far in the rear on election day. The law was aimed mainly at those Democrats who had gone into the Knownothing lodges, but it told as well against any sort of departure from the Democratic fold. The editor of *The Statesman* said it was to make people honest (of course, he meant Democrats); certainly it made them party slaves.

Not all of the Democrats were tipplers, but so large a part of them were that the saloon habit was *prima facie* evidence of Democracy. And on the other hand, the habit in an anti-slavery Whig raised a doubt as to the genuineness of his politics. Indeed, liberty for the white man was so all-embracing—liberty to make slaves of others, to indulge depraved appetites to the detriment of individuals and society, that Democratic editors declared all so-called sumptuary laws an infringement of personal liberty, and therefore opposed to Democratic principles. The editor of *The Argus*, Parson Billy Adams, published frequently that the Democratic idea of liberty was merely libertinism. And if we appeal to reason as a guide for human conduct and admit the right of any human being to make a slave of another, have we not removed all limits to the gratification of his personal desires? can anything less be denied him? Moral principles are cast aside and the individual wavers and wanders the victim of blind impulse.

Finding the law in Marion exclusively Democratic, Mr. Jacobs emigrated to Southern Oregon in August, 1857, and there easily took first place as a public speaker. His arrival was quite opportune, for with this gift and an attractive companionship, he gave much strength and adhesiveness to the free-state proclivities in Jackson County. He went into the school house again, but his sphere of lucrative employment was much broadened. The Democrats of Jackson County, though largely in the majority, were not of the shut-mouth,

boss-dominated and exclusive variety, like those in the Willamette. They had minds of their own and spoke their opinions freely, even respecting slavery, which was then a mooted question among them, and as many of them were from the Southern States, the pro-slavery sentiment was very strong in the county. They did not fear that discussion of the question would compromise their standing as citizens or Democrats, and so the social cleavage did not follow party lines. Litigants cared nothing about the politics of an attorney-at-law; so that he could succeed before a court and jury. Every question stood upon its own merits in Rogue River Valley. Likely this dissimilarity resulted from isolation, for the people of that mountain-framed valley were far removed from the settlements north and south of it. Three days' travel over a difficult mountain road and through a twelve-mile canyon, almost impassable in the wet season, separated them from the Umpqua, and nearly as far over a higher range of mountains they were compelled to travel to reach the settlements in California. No doubt the Rogue River people felt the independent spirit which characterizes sequestered peoples the world over. As they depended upon getting their merchandise from San Francisco by another mountain road from Crescent City, a port on the Pacific, there was talk at one time among them of asking to be annexed to California, but this was before General Hooker was detailed by the Government to improve the road through the twelve-mile canyon, leading northward to the Umpqua and Willamette. It has been observed that mountains, rivers, and seas make enemies of nations that would otherwise be friends, and this fact depends, no doubt upon the estranging effect of non-intercourse. I was amused at one time in the '50s upon hearing Ben Harding remark that the Democratic members of the Legislature from Jackson County had no politics but Jackson County. Likely he experienced some difficulty in managing them with reference to party interests. And likely, too, their independence of spirit was the result, in some degree, of the large per cent of the gold-mining population, whose minds

were constantly employed about other matters than politics. Far more exciting to them, were placers, nuggets and rich strikes, than the hugger-mugger of political caucuses and conventions. Neither did their interests lie in the direction of slave labor or the slave code, and they said so with emphasis, and with no care for its effects on their parties.

Jackson County was reported to be in favor of slavery, and early in the summer of 1857, I presume that the claim of the pro-slavery men was well founded. But the free expression of opinion permitted there showed that Judge Williams' free-state letter was stirring the minds of the people and leading them into sane ways of thinking, and to the loss of the pro-slavery element. The anti-slavery agitators there were very few in number, though fair in ability and strong in character, and they argued the question from the ethical standpoint, which however is not very effective in immediate results among average human beings. When ethical truth takes hold of a human, it is lasting, for prejudice and all minor questions become obsolete. "Free niggers," the scarecrow of the pro-slavery men, ceases to be an alarm, but there are few persons who have the power to awaken men to the generous sympathies of equal fraternity, and Rogue River Valley had none competent to the task. Knowing this, and that so-called radical talk included the defense of "free niggers," which all but the radicals opposed, the pro-slavery leaders proposed a public debate of the slavery question, E. D. Foudray and S. M. Wait being the proponents. Mr. Foudray was a Kentuckian of education and ability, one of the best known business men in the county, a man of large influence, of good presence, and possessing that peculiar dignity claimed for high-toned Southern gentlemen. Mr. Wait was the owner of the flouring mill at Phoenix, a very earnest talker, and quite a proselyter for his opinions.

Their statement of the question was very adroit. The Constitution presented the question to the voters: Slavery—Yes or No; Free negroes—Yes or No. Mr. Foudray said he would stand for slavery and against free negroes, while his op-

ponents should stand against slavery and for free negroes. The supposition with him was, that no free-state man would or could be found to accept the proposition, or in case of acceptance, the result would be a wrangle among the free-state men over the admission of "free niggers" to the new State; in either case a discomfiture to the opponents of slavery. He miscalculated as to both suppositions, for Mr. Jacobs and Samuel Colver promptly accepted the challenge, and the result of the contest showed he had never heard the question debated upon its merits and by an advocate thoroughly skilled in polemics. The meeting was held at Phoenix the first week in November, two or three days before the election on the Constitution, and was largely attended by citizens from all over the county. The building was packed to overflowing—many standing within hearing distance around it.

Mr. Foudray's introductory address showed him, at least, to be a master of fence. He desired it to be distinctly understood that they did not propose to make slaves of anybody who is now free; we shall not ask for the revival of the African slave trade. On the other hand, if slavery in the United States did not exist, and not an African within its borders, we should object to the introduction of slavery anywhere. But slavery is a fact in this nation of ours; it is here under the protection of law and the compromises of the Constitution, and which ever way we decide the question for ourselves will make no more or less slaves, no more or less freemen. So you see that if we decide to bring some of those already in slavery to help cultivate our large farms, we will not be aggravating matters so far as the slaves are concerned, rather bettering them if anything, and we shall be improving our own condition in supplying cheap labor, which we can never have so long as gold mining pays a free laborer better wages than the farming interests can afford. After amplifying these views to a considerable extent, Mr. Foudray launched out into a rambling dissertation concerning the evils of "free niggers," negro equality, miscegenation, etc. Mr. Colver followed him, and presented to the audience his observations



concerning miscegenation in the South where he had lived. Mr. Wait took his turn, and Mr. Jacobs closed the debate for that evening.

Mr. Jacobs was willing to accept the restrictions placed upon the question by Mr. Foudray and say that it was not as to whether there should be more or less slaves in the United States, but as to whether the Oregonians should introduce slavery as a feature or ingredient of their political and social institutions. He had no doubt that the Oregon people were pretty well informed by printed publications that had been circulated, as to the expediency of adopting slavery here, but he was willing to look at it from a moral point of view, which so far had not been attempted, and he expected to show that what is moral is expedient and that what is immoral is inexpedient; in fact, to make it appear to rational men that if morality and expediency are not synonymous terms, they are as closely related as lightning and thunder. He remarked the fact that the audience was made up of believers and unbelievers, as respects religious matters, and therefore would not refer to scripture for authority as to what is moral or the reverse, but seek the definition in the nature of things. Indeed, there is no need of going to the Pentateuch to find out what is right and what is wrong, and there is no pertinence in telling you the distinction between the two kinds of actions, for you all know it, even though you may never have read a line in the Bible or never been drilled in such catechism. How old does a child have to be before he knows it is wrong to steal from his playmate, though he may never have been told so? He knows that he will be liable to the same treatment and he feels that he will be separated from him socially. And this is the genesis of moral evolution. Morals grow unavoidably out of the social state, and without such a state morals are the merest fancy. Robinson Crusoe alone on his island could commit no immorality. Think of it! In his isolation he could do nothing wrong, as respects morals. But when he had secured the release of his man Friday, then he was under some moral obligations, and when he returned to England, his

moral obligations increased to suit the social complexities there. And why is this true? except that the social state is the "*sine qua non*" of human existence. Without it man is nothing—the same as one bee without a hive. Everything pertaining to individual freedom, inconsistent with the social state, is surrendered to it or for it. Nearly everybody has read that melancholy plaint which the poet attributed to Alexander Selkirk on the island of Juan Fernandez:

Oh, Solitude! where are thy charms,  
That sages have seen in thy face?  
Better dwell in the midst of alarms,  
Than reign in this horrible place.

But there is one thing we should bear in mind, viz.: that the surrender or rather the restriction the individual undergoes for the sake of society is less in that society where the social units are equal in rights, than in one where some are endowed with special privileges. For an illustration, turn to the slaveholding States of this Union, where the privilege of holding men in bondage is a feature of society, and all know that the non-slaveholding portion of the community are restricted in their liberty to an extent that the people of Oregon would not tolerate for a moment. How would a citizen of this county take it, if when he called for his mail, he were told that it had been adjudged incendiary and burnt? How would an Oregonian like to be subjected to surveillance concerning the books in his library or the newspapers he might subscribe for? And yet that is what will happen here sooner or later, when slavery shall have been established. The Southern people are not at fault in censoring the press and prohibiting free speech, or in other means they have taken, from time to time, for the security of their system, for so long as it continues such means are appropriate and necessary. The system itself is at fault; it is wrong morally because it introduces a false principle into the social organism, one that produces disorder, interferes with the progressive tendency of mankind, requires the social units to part with rights for which there is no compensation to be found in such society,

and in various ways tends to diminish the fraternal sympathy which is the key note or cohesive principle that makes mankind communal beings. Hence we may assume that moral actions and principles are those which are promotive of a harmonious and progressive social state and that immoral actions and principles are those which produce an opposite result. In other words, that morality means progression and immorality means retrogression; that what is moral is expedient and what is immoral is inexpedient. Depend upon it, slavery in Oregon will be no different from slavery in Kentucky and Tennessee. The same means will have to be adopted here as there. Let no one deceive himself as to that matter. The bloodhounds will be here to track the fugitive from service, and their discordant music will be heard in the mountain nooks and canyons surrounding our serenely beautiful valleys. So will the auction block, the cat-o-nine-tails, the branding iron, the manacles, the slavedriver and his traffic, which heeds no human tie, fraternal, paternal, filial or marital, as applicable to the slave. And as respects the part the non-slaveholder must bear in this scheme, there will be the night patrol for every night in the year, and the taxation to support it. There will be the absence of free schools, the suppression of knowledge and of free speech, a censored press, annoying surveillance, and a subservience to autocratic control, all of which will be progressively bad as time rolls on. Nothing is more true and evident than that a false principle in society is an evolver of evils which continually multiply and impoverish the social state. Slavery in every Southern State is more cruel and exacting to the slave, more onerous and repressive to the "poor white trash," than in colonial times. Then, with some show of truth, it might have been called a kindly and patriarchal institution and Uncle Tom's Cabin would have been sadly out of place. Even now it may be somewhat of an exaggeration, but the growth of greed and the progressive propaganda of slavery will soon leave it in the rear. Our pro-slavery friends are so accustomed to associating the terms "free niggers" and "nigger equality" with

social equality that their ideas are quite vague and incoherent. A very little thought upon the subject will serve to show that they are unduly frightened, in fact, that they are suffering from a sort of nightmare. We have only to look among ourselves to see that though we are all equal before the law and each is free to pursue his own course and make his living in his own way, yet that our social aggregations depend, not upon that, but are determined by the mutual affinities of the associates. That is the law which holds them together and with which statute law has nothing to do. If attempted it would be wholly irrelevant and powerless. And further, no white man, however well educated and endowed, would seek or endure uncongenial companions, though said to be socially equal. Freeing a man, of whatever color from slavery is no assault upon the social freedom of others, or any hindrance to the formation of social groups, which depend, as we have seen, upon affinity of sentiment and feeling. Our opposing friends should think of these natural and therefore irreversible laws and dispel their fears. It may not be out of place to say, that there is no aspect of the question to be decided next Monday which should give our pro-slavery neighbors any encouragement, for there is no valid basis for their contention. Our Constitution makers have fixed it so that slavery, once adopted here, is irreversible except by consent of the owners of slaves, who though they may not number a dozen, can hold the State to slavery against the wishes of the million others. So there is no room for experiment; the decision Monday must be final and for all time. Jackson County is so nearly balanced between the opposing forces that some persons have felt considerable anxiety as to the general result but there is no danger pending. These lovely Western valleys will never be cursed by that institution which even now threatens the perpetuity of the great American Nation. The people of Oregon will vindicate their attachment to free institutions and after their decision there will be no murmurings of discontent from the minority who

will feel in their inmost souls that the popular verdict is true and righteous altogether.

This must have been a notable debate, as it made so profound an impression upon the audience that several of them remembered the heads of discourse and were able to reproduce them after the lapse of forty years. Especially could the disputants recall the statement of the question and the trend of the argument, which has been given in the language of the writer, as there was no verbatim report and nothing more accurate than human memory, but as those with whom I talked, at various times since, were in substantial agreement, I have thought the episode sufficiently attested to be worthy of a place in this history. One man said it was a vote-maker for the anti-slavery cause, and if so must have turned the scale in Jackson County, as the returns showed only twenty-one majority for freedom, while the free negro was excluded by a vote of sixteen to one. Will it, or will it not, be a stunning fact to our posterity, that in a poll of 837 voters only forty-six of them were willing that the negro should be free to make his domicile in this great State and pursue such avocations as his God-given faculties inspired him to? And without asking whether the time will ever come when the negro shall be treated as a man and a brother entitled to equal rights, let it be set down as a fact that, in the year 1857, only forty-six white men in Jackson County, Oregon, had the humanity and courage to declare such a conviction.

One disappointed Democrat said, "Jacobs could outtalk our fellows." Another survivor remarked that Mr. Fondray and Mr. Wait made a poor showing. In truth, what other showing could be made? In ancient times, when slavery was the alternative of death, to prisoners of war, there was a rational basis for that condition, but as a substitute for industrial freedom in the light of the nineteenth century, it was an absurdity without a parallel. Very likely the proponents of slavery were outclassed, but in the nature of things they were at great disadvantage. In all the controversy from the beginning to the end of the agitation in the United States, no

Southern statesman ever proposed a discussion with the abolitionists as to the ethical basis of chattel slavery. Most students of history are familiar with the scathing rebuke administered by John Randolph of Roanoke to a Northern representative in Congress who had shown his recreancy to freedom. "I envy not the head or the heart of that man from the North, who rises here to defend slavery upon principle." Possibly this Phoenix debate may be considered a small affair as affecting the general result, but I have given it a prominent place for the reason that, so far as any one knows, it was the only public debate involving the basic principles of human society, ever held in the Territory, and for the further reason that it has escaped the notice of our Oregon historians.

The disseminators of free-soil sentiment in Jackson County had been doing effective work among a population so thoroughly engrossed by the excitement of gold mining that it was a difficult task to attract their attention to even as important a matter as the character of their own institutions, and hence those advocates are worthy of remembrance by future generations. Samuel Colver, senior, was one of the Ohio pioneers before 1800, assisted General Lewis Cass in the survey of the public lands, an uncompromising foe of slavery and a man of rare force and influence in that State, where he resided for more than fifty years. He and his wife (octogenarians) emigrated to Oregon in the spring of 1857 to reach their two sons, Samuel and Hiram, both talented and educated and equally earnest with their sire in propagating anti-slavery doctrines and proclaiming the horologue of freedom. There too was Uncle David Stearns, a radical of the radicals, an Esop in form and manner, adroit, pungent and thought-provoking; one of a class of men who are generally considered handicaps by the moderates in the same service, but who are as necessary to progress as pioneers to state-building. One contrast may be observed between them and the so-called safe and sane persons who constitute the bulk of reform movements; they are the undismayed propagators of the faith which the followers dilute and ameliorate—as it were, sugar coat to

suit the palates of the multitude. These dreaded radicals (to the conservatives) have their uses; indeed, without them the pole-star of truth would suffer entire obscuration, and the timid conservatives become "abject and lost, covering the flood." There also was John Beeson, another radical, who added to that offense by being a friend and protector of the aborigines whose cause he pleaded so earnestly as to give him a national reputation and a vote of local ostracism. Undoubtedly he committed a tactical blunder in trying to stop the Indian war in 1855 and '56 by *ad-hominem* arguments leveled against the white depredators; not that his allegations were not more than justified and admittedly so by the great majority of the Rogue River people, but that when our red brothers go upon the warpath, driven to it in nine cases out of ten by the predatory few hanging about the margin of civilization and claiming to be white, there is no avoidance of the conflict which in the nature of things is racial, and no permanent peace practicable until the United States has taken the red men under its protection and out of the way of the greedy pale faces. General Wool, in his report to the War Department, corroborated John Beeson as to the exciting causes of the war, but he too was in error in supposing peace possible, except in the way above indicated. All our experience is to the effect that the two races cannot live peaceably as joint occupants, but those two good men had not rightly weighed that experience. That was their error, and almost a virtue.

An anecdote of that time may not be out of place here. The Indians, under the command of their two chiefs, Sam and John, were posted in a very strong position on Table Rock at the lower end of Bear Creek Valley, and their scouting parties were out committing depredations and making travel unsafe, when John Beeson visited Hiram Colver at his home half a mile from Phoenix. Mr. Colver was well known to all the Indians thereabout and enjoyed their confidence to a high degree. So Mr. Beeson had come to him to get his assistance in suspending hostilities. He wanted Mr. Colver

to go with him to the Indian camp and persuade them to cease their warlike operations and thus prepare the way for an amicable conference by both parties for the adjustment of mutual wrongs. He laid the war to bad white men, which was admitted, and also that the settlers to a man were indisposed to a conflict; indeed, had done nothing to provoke it—also admitted. Then said Mr. Beeson, “Come with me and we will tell the Indians the truth about this matter; lay the blame where it belongs, and have this war stopped before it goes any further.” Mr. Colver, who, though as much of a humanitarian as his visitor, was more discreet and answered as follows: “Well, Friend Beeson (in a drawling nasal tone peculiar to him), you may go to Old John and exercise your powers of persuasion upon him, and if you come back with your scalp fast on your head, I will go with you tomorrow.” Mr. Beeson didn’t go. The Indians knew as well as those gentlemen that the white miscreants who were continually upon them, were but a small fraction of the population, but they also knew that the white population did not exert themselves to discover and punish the guilty persons who seemed to enjoy complete immunity among their brethren. They knew that the Hudson’s Bay Company held both races equally responsible for wrong doing, but they could not understand why we did not do likewise. They were short as jurists, and concluding that the whole race was their enemy, made indiscriminate war.

Among the less active, but still worthy of honorable mention, was George Woolen, a man of herculean frame, mild mannered, temperate of speech, wise in counsel, seldom moved from the even tenor of his way; his great force and firmness seeming to be automatically adapted to every occasion. Under a given set of conditions everybody could foretell what George Woolen would do; he would do what he thought to be right with reference to the general interests. In a word, he was a plain, straightforward anti-slavery man who exercised his influence without fret or friction. Though so mild and reticent, he sometimes astonished his neighbors by putting in a



weighty speech at a time when it proved to be the climax of argument. I shall have occasion to refer to him again after the secession movement began in the spring of 1861.

There were the three Anderson brothers, Joseph, Firm, and the preacher; John McCall, John Wagner, Lindsay Applegate and his numerous sons, and John C. Davenport, who was nominated for the Legislature by the first distinctively free-state convention held in the Territory. Of course, he was not elected and no one was disappointed.

My visit to Rogue River Valley in October, 1857, terminated the first week in November, a day or two before the Phoenix debate; and the election upon the Constitution occurred while I was detained by sickness at Cartwright's, at the north base of the Calapooia Mountains, as before mentioned. On my way home the day after election, I made numerous inquiries as to the spirit manifested on that day, and all along the road the same answer was given—no excitement, no argument concerning slavery or free negroes; every voter silently gave to the judges his open ballot and talked, if at all, upon other subjects. Even the returns scarcely attracted attention, and judging from the universal silence which prevailed, all were desirous of blotting out the record, so far as concerned the individuals who voted to implant the ancient barbarism. Of the 2,645 who were thus recorded, only a few, maybe a dozen, were sufficiently prominent to pass into history, the identity of all the others being lost in the general verdict, and not one has been known to claim a share in it. Looking only at the slave system and its dead-sea fruits, one can scarcely restrain his disgust for such people, and exclaim with sorrow for their depravity, "merciful is oblivion." But such a state of mind is neither philosophical nor just. Strange as it may seem to those born and reared in a free State and nurtured in a social atmosphere vibratory with the ethical maxims of equal and exact justice to all of God's creatures, those same 2,645 voters (in the usual proportion as to numbers) were good people and wholesome citizens. There were no better neighbors, no more loyal and steadfast friends; none

who in all the relations of life—joyous in our joys, sorrowing in our sorrows, partaking with us uncomplainingly of whatever vicissitudes—none were nearer or dearer to us, who, true to our antecedents as they were to theirs, looked upon them as specimens of the moral paradox. But in all this, there is nothing enigmatical, for it is in entire accordance with natural law, that human beings take the color of their environment, subject to the modifications which varying hereditary qualities bring to bear, producing all shades and hues of conduct from dark to light—exhibiting under the social environment of slavery, the Shelbys, St. Clairs and LeGrees; under the social environment of free institutions, the broader fraternal spirit approximating the thesis “the fatherhood of God and the brotherhood of man.” So, there is no wisdom or justice in estimating the character of human beings without taking into account the social soil which produced them. Neither is there wisdom in railing at and inflicting pain upon them with the expectation that thereby their nature will be modified to any considerable extent, for, as we have seen, opinion and conduct are the results of conditions into which they were born and over much of which they have but little control. As one philosopher says, “morals are habits,” and everybody knows that society is the mother of habits. Wilberforce says that the way to virtue is by withdrawing from temptation.

There is another consideration to be noted before leaving this topic, viz.: that very few, if any, who favored the introduction of slavery, had ever held slaves, and therefore, had not been perverted by the practices accompanying such a relation. They had never experienced the intoxicating consciousness of unlimited power over the lives and fortunes of their fellow creatures—a consciousness that the restraints of law and society were removed, and the human chattels left to the doubtful contest between the passions and the conscience of the master; in truth an unequal contest, as experience proves, of the still small voice against the two monster passions of human nature, avarice and sensuality. So, those

good people were not impelled by slaveholding habits to the decision they registered, which was more of an error of the head than the heart, a sort of outside view of a situation they had never felt, and which they had very imperfectly considered.

There is another aspect which should lead us to a charitable judgment of those pioneers, who, probably, were not accustomed to critical inquiry. The dominant political forces of that time were all on the side of slavery and exerted to propagate the assumption, very soothing to the pride of the lordly Anglo-Saxon, that the negro was an inferior animal, so inferior that he could not be entrusted with freedom, and it was so by the ordination of the Almighty; that he was not a citizen and had no rights which a white man was bound to respect. Add to these the studied silence of a majority of the people upon the subject, and the example of some of the ablest men in the Territory who were inculcating such sentiments, and no one should wonder that uninquiring but well-meaning citizens fell in with the political current. Now, it is a fact that the persons who were foremost in the anti-slavery work were also foremost in other reforms, and classed by the Democratic editors as temperance fanatics, ghost-seers, free-lovers, meddlers with everybody's business, etc., all of which tended to discredit them in the minds of uninformed people—and is it not a wonder, in view of all this, that many more people did not vote for slavery and expel the fanatics?

After close inspection I have observed that when good men go wrong they are carried along in the corrupted currents of this world, set in motion by forces over which they have little or no control. And by good men I mean those who, under ordinary temptations would not depart from the path of rectitude; or adhering to the previous metaphor, those who are capable of resisting the ordinary currents of corruption. Or it may mean those who would do right, but whose minds have been employed so unremittingly with business affairs that they have never been awakened to the ethical relations arising from social life; or those who have been perverted by

false education. For an illustration I will mention the case of a free-state man, an immigrant to the Oregon Territory from Kentucky, who said that while in his native State he had no doubt as to the rightfulness of slavery and that he considered abolitionists (of whom he had heard) the same as horse thieves. Though ignorant and unacquainted with everything not found in his own narrow path, he was not a dull man or deficient in judgment, for the change from a slave to a free country was sufficient to enlighten him. He was a man of stern purpose and would do the right as he saw the right, against all odds. He was by nature a virtuous man, but accepting slavery, into which he was born, as being in accordance with God's will, he would have assisted in punishing an abolitionist as he would any other malefactor. Some persons may exclaim, "How dull he was!" Not so, I am sure, for people found him to be remarkably sagacious in discerning the right side of disputed questions and he was often chosen as referee.

No just estimate can be formed of the native character of human beings without taking into account the state of their environment, the social, industrial, and political conditions in which they are placed, and which are potent factors in determining conduct. This is undeniable; indeed, it is platitudinous, but Government in its practice, exerts its remedial efforts against the inherited, material endowments of the transgressor, when it is well known that such inheritance is susceptible of slight modification, even by the severest penal statutes. Excluding from consideration the wolves in human shape who are outlaws to any form of human society—it is irrational to expect that average human nature or individuals will be superior to the vibratory social influences which affect them, and more irrational to expect that the moral status of society can be raised by picking out a human being here and there from the concatenation, and punishing them. But such has been the function of government, even when it has not been, by its maladjustment, an instigator of the prevailing aberration. This fundamental error is due in great part to

the doctrine of free will which inculcates the notion that man is a free moral-agent; that human beings have the power of free choice, either of good or evil, and therefore should be held responsible for their actions, under all conditions not involving their sanity. In support of such a contention, the believer says, "I can certainly do as I please, as I choose." Certainly. The words "please" and "choose" stand there in the place of the word will. But can you please, choose, or will to do a certain thing or not to do it, where there is no change of circumstances? "Certainly I can." "Well, then, spit in my face." "Oh! (laughing in derision) that would be foolish—but my will is free." "If so, spit in my face." "Why, that would be absurd." "Certainly, the act would be foolish and absurd, and more, it would be an offense against your sense of propriety, your kindly feelings for me, your friend and lover, and you could not be hired or persuaded to commit yourself to such an outrageous action."

It is barely possible that you might be insulted, provoked, maddened to a state of mind suited to such an act, but then you would know that a change of circumstances had preceded the will. There is no case possible, none imaginable, in which a compelling impulse, either of affection, sentiment or passion, or a combination of them, does not precede the volitional forces which bring on action. To call this fatality is a clear misconception of the nature of things. It is the furthest removed from the old notion of fatality; that whatever else may occur before it, that specific event at the time and place and manner will surely arrive. On the contrary, the doctrine of causation teaches that if we would avoid disagreeable events, we must avoid or modify the conditions which produce them. And as the conditions we have in view are social, industrial and political, and all of them within the power of human beings collectively, the sphere and function of government takes on a rational aspect. We have been accustomed to take a partial and outside view of things, and looked upon man as the originator of his conduct, the chief actor who should be held solely accountable for what is done, when a

deeper insight reveals that the fact that he is not an originator but a product of pre-existing forces, a matrix containing impressions of all before; that if we regard him as an agent, we must think of him as being under duress of antecedent qualities gifted with predilections that, to a great extent, shape his course through life, and that his conduct is as much in accordance with natural law as the flow of a river which, though it may not be arrested, may be diverted in its course, by dikes and headlands. Nothing is free in this world. There is no such possibility in nature as irrelevance in its incidents. Every occurrence is both cause and effect; a vibrating link in the chain of causation. So, will, instead of being free and disconnected, is an effect, a resultant of certain mental states and varies with them; and the mental states depend upon inherited endowments and the environing conditions. Every person capable of thinking recognizes such a causative series as being true and to talk otherwise is the direct nonsense.

The propensities, passions, affections, moral sentiments, all of them blind, acting hastily and impulsively, without the well prepared guidance of the intellectual faculties, terminate in thoughtless conduct; and very much of human conduct is hasty and ill-considered or the consequence of false notions accepted as truth. But whatever may be the character of the action, the will is only a blind medium of transmuting or transmitting the mental impulse or conclusion into conduct. Under this aspect of man and his attributes, what becomes of the old ideas of individual responsibility and penal inflictions as an offset for transgression? It must pass away and cease to perplex the cogitations of lawmakers. The rational function of legislators is to remove the causes of transgressions and, if punishment is not applicable as a deterrent, it is executed through ignorance or prompted by malevolence. For why inflict pain upon any human being for an action which, under the existing conditions, was inevitable?

The foregoing dissertation is not indulged for the reason that its principles are new to philosophy or foreign to legislation, but because their practical application is very limited

and the doctrine of free will is still preached. And although the Oregon Constitution, in its bill of rights, demands that "laws for the punishment of crime shall be founded upon the principle of reformation and not of vindictive justice," yet with laws so administered, but little progress has been made in deterring those criminally inclined, and likely for the reason that the most numerous and influential conditions of crime, though removable, are not reached by the one fear of punishment. Notwithstanding these patent facts, book education and penal laws seem to be the trusted remedies for the cure of misconduct, instead of removing the temptations arising from unjust laws and other maladjustments in society, which are especially fruitful of criminality. It is entirely within the truth to assert that society is not now and never has been governed in conformity with the basic principles of man's nature so as to produce or even approximate a normal state. And, indeed, such a state has never been the purpose of the governing classes, though always declaring in favor of justice. From sheer selfishness, rulers have been unwilling to practice justice. They dare not deny the Golden Rule, but not one in ten thousand has the fraternal courage to adopt it as a rule of action. It is said the Golden Rule is impractical in governmental affairs, and from an inspection of them, who can divine the purpose? for the course holds good to neither pole—at best a compromise of good and ill, a paltry average of human selfishness. But let that pass and inquire how can we judge of the moral turpitude of offenders or the moral worth of the law-abiding, without an examination of natural laws, and the statute laws they are required to obey? How shall we know of the degree of human worth, without such examination, the temptation to which men are exposed, and from them obtain a proximate standard of practical morality? The fact that a person is a law-breaker may not be to his discredit; rather to his credit. That depends on the law and the attendant circumstances. Disobedience to laws that are an offense to human rights, is a proof of virtue. The penal colonies of Great Britain were peopled in great part by law-

made criminals whose offenses consisted in asserting in practice their natural right to a share in the bounties of nature, and as might be expected, the descendants of the so-called criminals are the reformers of the twentieth century.

Probably the time will never come when unrestrained selfishness will cease to complicate and vex the task of human government; if indeed it does not constitute the principal need for government as an institution; but all the more does the necessity exist for a scientific basis of the governmental function, which so far in the world's history has been a matter of experiment, apparently following the line of least resistance. It is the lack of a philosophical basis that renders government such a hotch-potch in every form it has assumed, and at times presents phenomena compelling the conviction that human nature has a very unstable and fluctuating quality, sometimes seeming to descend to the depths of total depravity and at others rising to admirable moral heights, when in reality there has been no change in its nature, only the removal of a governmental or social restraint, or by some inducement, reward or bribe by the same powers, or perhaps the opening of new avenues for the employment of his faculties, one or all tempting him from the normal or accustomed way. Saying nothing further of the governments in aristocratical and monarchical countries than that they are the residuum of ages of conflict between the people and those who aspired to rule them; in other words, that it is the art of tempering robbery to the robbed, in such a way as to avoid a conflict threatening the stability of the system, we should consider government under our equal rights system, as the art of social correlation with the intent of establishing justice as promised by our Constitution. And though, so far, we have signally failed, and fallen below the results in countries where no promise of equality was ever made, we should know that republicanism is not to blame, that human nature has not changed, but that our spoils system of politics with its bribes and rewards for partisan service, were too much for the average politician to bear.



When the writer began this article his intention was that it should end with the adoption of the Constitution and the decision as to slavery in Oregon, but as he proceeded with the work, it became more and more apparent that the lesson derivable from the conflict would be incomplete at that period, for there was a marked distinction between the interest manifested before and after that decisive event. From a high-class, rational standpoint, one would be inclined to say that the major interest or involvement would have occurred before the vote, but so far as can be judged by the actions of men, it seemed otherwise. The persons who took an active interest in defeating slavery in Oregon were not numerous, but as soon as statehood was assured and partisan relations established with the Republican organization reaching to Washington, there was a great accession to the Republican party in Oregon. Many men who till then had taken no part in any movement or demonstration in opposition to slavery here, and some who were of indeterminate affiliation as respects the question, rallied to the party conventions and were active participants therein, as though they were native to the manor born. Very likely this manifestation of preference, or invigoration of spirit, depended upon several causes set in motion by the change from a Territory to a State, but whatever they were, creditable, discreditable, or indifferent, there is a lesson in it just the same.

That a large part of the Oregon people should have been uncommunicative and inert when the great question was pending, and after its decision become active partisans in a work which they had refused, needs inquiring into. Silence upon the slavery question was not a rational strategy for anti-slavery men, though it was mentioned as an excuse for the silent Democrats. It was a very silly excuse and it did not cover their nakedness. Their silence has been accounted for on rational grounds. When politicians seek to carry an election they are far from silent; they want every man to use his voice as well as his vote. In such a contest the expression of an earnest opinion founded upon reason and the innate

aspirations of the human soul, never acts as a boomerang, and if the anti-slavery men of Oregon had thrown their weight into the balance in the year 1856, there would have been no anxiety upon the subject in 1857 and there would have been no need of a plebiscite upon it at any time. That they did not do so was not from fear that the expression of an opinion against slavery would promote it, but from other reasons which have been set forth in previous pages, reasons too which serve to emphasize the tendency of partisan habits to divert people's minds away from a proper and critical examination of the real issues at hand.

The manner in which the question was met here, tended to cultivate and foster the notion or claim of the extremists of the South, that slavery, as an institution in the United States, was entitled to equal rights with free institutions; that the equities were the same, and that the only question up for decision was one of financial expediency which every man could or should decide for himself. All that he needed to determine it was a slate and pencil—no need of books relating to morals or history; no call for agitation, conventions or other modes of forming and expressing public opinion; just simply market reports of the price of slaves and the products of their toil, with perhaps some allusion to the superiority and dignity of the master class. This was the aspect in which our Southern brethren desired the Oregon people to view the question, and the Oregon politicians so ruled. And why this billing and cooing with the sable wench, when the question was whether her baleful progeny should inherit the earth? Was it genuine love or even decent respect? Neither—it was the merest coquetry made necessary in the game of politics which had been debauching the American people for half a century. It was only by such adulation of the harlot that the avenues leading to public employment were open to the office-seekers of the North; and that such an inducement could sink a whole party into vassalage is a humiliating commentary upon human nature. But just this kind of denouement must be expected when a party has abandoned its prin-

ciples and ceases to live for any worthier purpose than preying upon the commonwealth for individual benefit. And indeed it is a herculean if not impossible task and one which permits of no intermission, to hold a political party up to the high ground of equal and exact justice, while at the same time, it is the source and dispenser of emoluments and powers coming from partisan success, and which may be increased by the victors. I am confident that it is not in human nature to establish or maintain popular government upon any such basis. It was easier to do so fifty years ago than now, but the experiment has signally failed.

We are further away from a reign of justice now than in the early days of the republic, despite the fact that chattel slavery is gone. For in its place we have compulsory wage slavery and the grind of relentless corporate power, which is more exacting than the oligarchs of the South ever were. There is no color line to limit the extent of corporate greed or mitigate the penalties of poverty. And the powers which so dominate the commonwealth have been enthroned by the government acting in the name of and by the authority of the people, through their representatives.

And how could such misgovernment arise? There is one sufficient answer to this question, viz: By and through the extra-legal, voluntary, political machinery, intended as an auxiliar to government, but really its corrupter. The spirit and principles of the Jeffersonian Democratic party were good—indeed, formed the basis of any and every government by the people, but the spoils system of politics corrupted it and extinguished every spark of its original aspiration. Without the public patronage the slave power could not have subjugated the party of Jefferson; without it, that power could not have dominated the party of Lincoln; and without it, the silent Democrats and Micawber Whigs of Oregon, would have joined in one prolonged and joyous shout proclaiming to all the valleys the genius of universal freedom. And it may be assumed for a certainty that without it, squatter sovereignty would never have been promulgated and accepted as an

article of political faith and practice by the people of the territories.

A political party which governs by rewards of the spoils of victory and subsists upon contributions from the beneficiaries of privileges which it grants, is a monstrosity which no form of popular government can tolerate and live; it is a combination impossible of co-existence with freedom and justice, and the American people must abolish it or see their grand experiment perish from the earth.

In the spring of 1858, at the close of the state Republican convention of that year, a secret session was held to discuss some private matters relating to the inner work of the party. At this meeting a delegate from Yamhill County proposed that Colonel Baker, of California, be invited to stump the State for the Republicans. Undoubtedly, the proposer expected that it would meet with general approval, but instead it met with almost furious opposition from several of the young, inexperienced and ambitious members who really could give no good reason for objecting. They were aspiring and did not like to be overshadowed. Of course it was not to be expected that Baker would bear his own expenses, and to the proposition of the writer to raise a fund to defray them, there were some sarcastic remarks, about turning the party of great principles into a mercenary organization. E. L. Applegate (whom everybody knew as Lish—with a long "I") who had ridden on horseback 300 miles to attend the convention, in which I met him for the first time, tried to make us merry with our deficiencies, by saying in his comical drawl, "I can say squat-ter-sov-ran-ty as well as Colonel Baker." As I was young in the business and had no other purpose than the promotion of our principles, the manifestation of ambitious selfishness in these aspiring politicians was more amazing than amusing to me. Several of them were of fair ability, but there was no one sufficiently prominent to be above envy. David Logan was much the ablest and most experienced, but his political convictions were somewhat hazy and so he did not stand well with the stalwarts.

The Democrats were divided into two hostile camps that year and were fighting each other with a ferocity peculiar to factional quarrels arising from self interest, and so, there was a fine opportunity for the Republicans to make an inning. But lacking a spirited and prominent leader, the work of the state convention was dropped, its nominees resigned, and the party units contented themselves by looking on or voting with the warring Democrats. The nominal division was the regulars (Salem Clique) against the irregulars, and the former won.

The leaders of the regulars were in large part Douglas men, and the others got their animus from the Buchanan administration.

Likely the offensive proposition turned down in the Republican convention bore fruit, for Colonel Baker, hearing from his Oregon friends directly, or seeing the proceedings of the secret meeting, which were fully reported to the *Oregon Statesman* by an eaves-dropping Democrat, saw his opportunity and emigrated with his family to Oregon in the winter of 1859-60, taking up his residence in Salem, sometime in January.

Many of the Oregonians had heard the Colonel on his stumping tours in the Western States, some were old acquaintances from Illinois, and all lost no time in greeting him with a hearty welcome and renewing old acquaintance. It was a red-letter time for the inn-keepers of Salem, for there was a general pouring in from all quarters to see and shake hands with the most eloquent American living. And his tact as an entertainer was fully equal to his skill as an orator. There was nothing fussy or fulsome in his manner; he was neither reserved nor effusive; his hand-shake was not that of a politician or a dilettante. And though he had come among enemies as well as friends, both of whom from different motives were desirous of seeing something to find fault with, they looked in vain and went their way all thinking better of themselves, his political enemies shorn of their animosity and his political friends jubilant in the thought that the stock of the Black Republicans stood at par in the market.

It would be a superficial judgment to say that the Colonel was not a good actor and that there was not good judgment used in his social intercourse, but the real secret, if one, was in the fact that Ned Baker was just what he appeared to be, in English a fine fellow and full of fraternity. And when we come to reflect further, how can there be an orator in the full sense, without the coalescing sympathies which put him at one with the whole human heart? The Colonel was a "rara avis" in other respects; his memory of faces and names was a wonder. Men whom he had not seen for twenty years and whom he had not known intimately, were recognized instantly and their names were at tongue's end.

And the most difficult acquirement of all—one the lack of which gives our public men the most trouble, is the knack of proportioning one's attention to the various grades of men without offence. Evidently all cannot be treated alike; there must be suitable adaptation, and the ability to do this constitutes what, in our present vogue, is called a good mixer. But the Colonel could go through with a free-for-all interview and leave no stings in the expectations of men. His must have been a bountiful soul, or else he became passive to the social fluctuations and let nature take its course. In any event everybody was pleased. A great change came over the country after the advent of the Colonel. For the accommodation of the people who came to see him, he had to keep open house, and this being insufficient, a part of the day, he held court at the largest hotel in town, and in a few weeks had seen and captured all who met him, and knew more of the social and political condition of the state than any man in it. Every person knew what brought the Colonel to Oregon, that it was in the main a selfish purpose—political ambition. But there was no offence. I heard one man sarcastically lament that the Blacks had no man fit to be United States Senator and had to import one. This, however, was a compliment to the import. The voice of the Syren was heard in the land and the rough yawp of partisan Democracy became dulcet from sheer imitation. The epithet "dam-Black-Republican" was short-

ened by leaving off the first adjective, and later, among all but the hopelessly rude, the black disappeared.

An immense crowd gathered at the capital city on the 4th of July, 1860, to partake with Baker of its glorious memories, and it seemed mutual—a spontaneous evolution of spirit, fusing them into one. The past of the nation was there; the *dramatis personae* of the Revolution was before them on the stage, and the Grand Old Man, beautiful, graceful, sublime, was introducing them to his auditors. Until then they had only heard of the Revolution and the great actors in it—now they had seen them and partaken of their spirit.

When Colonel Baker arrived in Oregon, the Democrats were well supplied with public speakers of ability, chief among them by popular judgment being Delazon Smith, of Linn County, and his admirers were inclined to compare him with Baker. Such comparisons, however, are generally futile, for how can things essentially different in quality be compared? Mountains can be compared as to height and breadth and figure, but when the words greater and greatest are applied to men gifted in speech which may have more hues than a rainbow, there is little meaning to them. Delazon was, without doubt, an able stump speaker and an effective political campaigner. He had a clear, sonorous voice and distinct enunciation; had a good, firm face and sturdy form, was not lacking in language, warmed up to climactic utterance and energy, but with all these fine qualities, the spirit and message of his speeches touched only a part of his audience, for they did not involve the higher, nobler parts of man's nature. He had a more sonorous and far-reaching voice than Baker, but the "vox humana" is something more than sound and conveys more than words with a dictionary meaning. It can convey feeling; may be a vehicle for soul transmission, and has a timbre characteristic of the speaker which words cannot describe, but which makes an echo or response in brain regions inaccessible to the mere declaimer. These soul overtones which accompany the voice, psychologize the audience beyond the power of words. Little can be known, by reading a speech,

of its effect upon the audience who heard it delivered. That greatest of English orators, Charles James Fox, said that a great speech did not read well.

There is much in a great presence, even in repose, and an English statesman said that Daniel Webster was a walking false pretense, for no man could be as great as Webster looked. Emerson (I think it was) describing the scene at the dedication of the Bunker Hill monument, said that there were two things which did not disappoint the eye, Webster and the monument.

Senator Lodge, in his biography of Webster, says: "no one ever came into the world so physically equipped for speech." And McCall in his Centennial oration in 1901, said "He possessed as noble a voice as ever broke upon the human ear." He was barely six feet high, but looked taller, and his presence was so imposing that McCall said: "This enormous personality was not sluggish, but in time of excitement it was full of animation and dramatic fire." He was generally in a state of repose, and Sydney Smith compared him to an anthracite furnace that only needed blowing. He was seldom fully aroused and was at his best only on great occasions. At the time of the Bunker Hill oration before alluded to, the crowd was so great and pressing to get nearer the speakers' stand that those in front, in danger of being crushed, called to Mr. Webster to have the people stand back. Webster, who had not begun his oration, came to the front of the platform and called out, "Fellow citizens, those in front are being borne down and you must fall back and give them room."

Those near the middle cried out, "We cannot stand back; it is impossible."

Webster stretched out his arm and in a voice that reached to the furthest limits of that vast multitude, exclaimed, "Stand back, stand back, fellow citizens, nothing is impossible on Bunker Hill." That command, so uttered by the God-like Daniel, would have moved a mountain, and the dense pack of humanity, swayed as by a single impulse, gave room.



Webster's greatness is expressed by the words power and weight, physical and intellectual, and in these he surpassed all other Americans, if not all human kind. But there are other ingredients of human nature to be reached, besides reason and judgment and the sensitiveness to the impact of great force—other heart strings to be played upon by the orator, Mr. Webster was not endowed to touch them. This is illustrated by the difference in judgment among men as to the merits of great orators.

Gen. W. T. Sherman heard Webster's Seventh-of-March speech upon the compromise measures in 1850, and also Clay's upon the same, and he gave his opinion concerning them in his Memoirs. He thought Webster's tame and ineffective in comparison, as undoubtedly it was upon the Senate, but superior in effect upon the minds of the people who read them both. Clay's speeches did not read as well as Webster's; Clay had a noble and impressive presence, too, but not indicative of so much power. One poet described him as "he of the fearless soul and brow," but no such tremendous effect was ever produced by him upon an audience or the mind of the nation as was that of Webster in reply to Hayne. Clay, having a more sensitive temperament, was more easily brought into the oratorical mood, and so never disappointed public expectation. We have Webster's word that eloquence is not to be compassed by the tricks of rhetoric, that it does not come from afar; it must be in the man and in the occasion. As Horace Greeley once said, "a great speech has a great man behind it." And he might have gone further and required that the great man should be in a state of prime efficiency, that his whole soul should be intensely emotional and irradiant. But at last the greatness of oratory must be judged by its effect upon the audience, taking into account the antagonisms of bigotry, superstition, prejudice, selfishness, ignorance, required to be removed or neutralized, to bring an audience into harmony with the speaker. And though a great presence is perhaps a great help, there are effects, profound and permanent, involving the affectional and altruis-

tic faculties, which do not require the imposing physical presence to reach them.

Of this there have been some notable instances, of which only one may be cited. Very likely none of the millions of school children in the United States ever heard or read of the name of Samuel Lewis, of Ohio, who was nominated for Governor of that State, by the free-soil party in the year 1846. His name does not appear on the list of orators, and yet, notwithstanding this and his mild and undistinguished presence, he could quell the turbulence of a mob that would hang Wendell Phillips; would divest it of prejudice and melt it to sympathy with the lowliest of God's creatures, if they would consent to hear him at all.

It must be borne in mind that the famous orators of America, Phillips and Beecher excepted, never placed themselves in entire antagonism to the prejudices of the people—the mob spirit. All were more or less conservative, going with the current. They did not essay for themselves any such task as was undertaken by the abolitionists. It was not in accord with their judgment, perhaps, but they did not champion the cause of free speech for the abolitionists, as they should have done. Webster was an anti-slavery man in opinion; he could declare slavery to be a great moral and political evil, for that was agreeable to his manhood, but he did not plead the cause of the slave.

It is easy to float with the current, easy for an orator to raise a shout by voicing the sentiments, passions and prejudices of an audience, but that is not a good test of oratory. The real test is in evoking from human beings a response in opposition to their governing tendencies. In view of this and accepting the truth that great excellence is acquired by great trials, an American orator said that eloquence was dog-cheap to the abolitionists. And Wendell Phillips, in answer to a young friend who asked him how to become an orator, said "Take a course of mobs." Webster never took a course of mobs, so really was not fully developed.

Sam Lewis, after graduating as a Presbyterian minister, took a course of mobs. He began by allaying the mob spirit in Cincinnati, Ohio, and won freedom of speech for every one. It would, however, be a mistake to suppose that he was not, in many respects, a great man. True, he was not a great, strong, energetic animal. On the contrary, he was physically weak and did not impress people by an exuberance of spirit. He was tall, dark, lathy, and his reserve force was no menace or challenge to the mob. Though a faultless rhetorician, there was no display, no playing with the voice, no stress or emphasis to attract attention. There was freedom of movement but no gestures that one would remember. His eyes were dark but not large, and did not, like Webster's glow and rivet the attention with awesome power. His voice had no dramatic quavers of pathos, and ordinary people would be incompetent to explain how with his calm flow of speech they were held enthralled and in tears, unconscious of time, divested of the paltry incidents of life, prejudice, greed, self love, pride of station, and possessed by a spirit of chaste and elevating fraternity. To infer that such effects were wrought only on super-sensitive souls would not be an approximation to the truth. His audiences were not thus selected; they were, as American audiences generally are, of all kinds and classes. Of the thousands that he addressed at every meeting only a few were free from the conviction that the discussion of the slavery question, was futile as to the slave, and at the same time a menace to the peace and prosperity of the Northern people. A great majority of his hearers were intensely hostile to the free-soil movement, for there was no denying that the denunciation of slavery as an unholy and immoral institution, tended to inflame the people of the South and provoke them to disunion. The Whigs of Ohio at this time professed to be opposed to the extension of slavery, but they were equally opposed to any sort of discourse calculated to offend our Southern brethren. It is well to remember, too, that Abolitionists were still subject to assault and liable to be treated to rotten eggs, free transportation on fence rails, or a coat of

tar and feathers, any where outside of the Western Reserve.

As a rule the people of Ohio knew little of slavery and cared less. In theory they were opposed to the institution, but it was a theory which did not reach to their hearts or purses. About their only source of discomfort was the agitator and the ominous cloud of disunion which hovered around him. From personal knowledge I can affirm that it was curiosity to hear Sam Lewis explain how the free-soil movement could be made to harmonize with the general interests, that brought people to his meetings. But he did not explain and he indulged in no constitutional argument to prove the right of free speech, nothing to show the futility of depending upon the two great parties to ameliorate the condition of the slave or to prevent extension. All sorts of current politics were unmentioned and unmentionable. He expatiated in a different country and after a few minutes all were dispossessed of antagonisms, saw with him, felt with him and experienced an invigoration, or rather, a newness of spirit which was to them both a surprise and an enigma. Old silver-gray Whigs and dyed-in-the-wool Democrats would rise up during the pauses of the discourse, and with tears streaming down their faces, embrace as long separated brothers, pledging themselves to resist by every available means the extension of slavery over the territories of the Union. In the words of Goldsmith, those who came to scoff remained to pray. And how was such a mental metamorphosis brought about? By the strength and skill of the orator? It was all so strange, so excessive, so seemingly unnatural, that I am loth to give it the name of oratory. People often shed tears at the recital of wrongs endured, of cruelty suffered, but did all of thousands ever before melt in tears until the fountains were exhausted and the features distorted in sympathy until they were sore and required the hands to smoothe them and soothe them? Was the cause of such effects, oratory? or was it magic—the art of the conjuror? Truly, Sam Lewis set up the auction block and sold human chattels, separated husbands and wives, parents and children, tore asunder every human tie, but there

was none of the art of the actor. Through the transparent medium of inimitable speech, Lewis exhibited the victims of oppression, excruciating under the lash and the branding iron; their bleeding hearts were laid open to sight; the slave was seen to be a human being in agony, body and soul. And the cause was as visible as the effects. It was slavery—normal slavery, and not its so-called abuses. Some will say that such spasms of sympathy are short-lived, which is certainly true, for human nature cannot continue excessive action in any of its departments. But the relapse is not to the former stupid standard of self-service. There has been a diversion; the crust of indolent habit has been broken never to reform with its original strength; access to the sympathetic nature is less difficult than before.

After this wonderful campaign, the Whig orator, Billy Bebb, the most famous of Tom Corwin's students, found the Buckeyes a changed people. His oratorical climaxes raised no shouts; the expounder of whiggery elicited no enthusiasm, and in a sort of despair he shouted the question, "Is Sam Lewis God Almighty?" To which an irreverent listener responded in the affirmative, eliciting the first round of applause. The people of Ohio were on higher grounds, and the slave-catcher was unwelcome thereafter.

I doubt if any other man in America could have accomplished such results. And it is idle to suppose that an orator can produce effects from aroused sympathies in which he is not affluent. There is no such thing in human nature as universal versatility. No man can be great in all departments of human endeavor, and hence the difficulty of comparing orators of different casts of mind. Colonel Baker, though possessed of much, indeed, of unusual versatility, would have been wholly incompetent to the task. The effects he wrought were of a totally different nature, those of heroic enthusiasm in which the sterner virtues impelled men to do and dare in a glorious cause, and every cause he espoused was glorious—he made it glorious. In the language of Macaulay, "His chivalrous soul would not suffer him to decline a risk," and

so with him it was "our country right or wrong," patriotism run wild, and while Abraham Lincoln opposed the Mexican War, Baker resigned his seat in Congress to raise a regiment and take an active part in promoting the schemes of the slaveholding oligarchy. Notwithstanding this inconsistent escapade in the Mexican War, he was anti-slavery in sentiment or rather in feeling, for no such knight errant thirsting for adventure, could endure, even in imagination, the fetters and cramp of slavery. His innate feeling was not so much moral as an aspiration for brilliant achievement, which he was noble enough to share with all the world.

The division of the Democratic party which occurred in 1858 had not been healed, and while there were several alleged grounds of dissension, such as the tyranny of the Salem Clique, opposition to General Lane, the slavery question, party regularity, etc., the cleavage at the time of Colonel Baker's arrival was that of Douglas vs. the administration, and the animosity between the factions was quite bitter, even more than between them and the Republicans. In most of the counties they met together in convention and the stronger faction excluded the other from representation. In Marion County the Douglas men were in the majority, and having control of the party machinery, nominated the following persons for the Legislature: B. F. Harding, Robert Newell, Samuel Parker, and C. P. Crandall. Later the friends of General Lane and the administration met in convention and nominated a ticket composed of good and substantial citizens, mostly of the pro-slavery type, unlettered, inexperienced in legislative affairs, but very much in earnest in promoting their opinions, and not at all lacking in mother wit. Taking advantage of the growing discontent with the Salem Clique and Mr. Bush as the accredited head of it, they stigmatized their Democratic opponents as the "Bushites." In this they no doubt erred, for Mr. Bush promptly responded with the very descriptive and truthful title, "The Beetle Heads." The nominees on the Lane ticket were good neighbors but withal aged and dull, and the epithet was so pat there was no dodging

it. Still, with this handicap they had some claims to Democratic support. They were honest and frank to assert their fealty to the administration of James Buchanan, which would go far with strong partisans, and they were not backward in charging the Bushites with treachery to the party and of being tinctured with Black Republicanism.

It was at this juncture of affairs that the Republicans of Marion met in delegate convention at Salem to nominate candidates for the Legislature, and there was much probability of electing them. The Colonel treated us to a thrilling fifteen-minute speech, and after the noon adjournment met with us in a private conference, at which he counseled against making nominations and in favor of voting the Bush ticket. Of course it was well known that in any probable event the Republicans would constitute but a small minority of the Legislative Assembly, and alone could elect no one, but that in combination with the Salem-Clique members could elect the Colonel along with one of their number. Said he: "We will assume that the members from Marion will be Republicans, but the canvas will drive into opposition those Democrats who are really with us in principle, whereas, if we fall in with them at the election, they will be almost compelled to unite with us to save themselves from defeat by the friends of the administration, who are in the majority in other parts of the State. I am sure that great events are barely in the future, in which the friends of popular government will have to bear a prominent part. The Douglas men are at heart with us and we shall need their help." Then, in one of his introspective moods, when his eyes seemed to retire and return with added lustre, he said, "The old Democratic barrel is falling to pieces, and why should we, who need some of the staves, hoop them together?"

Is it strange that this prophetic metaphor was the climax of argument? The Republicans of Marion had borne the stigma of "Black" so long that they were disinclined to surrender their first favorable opportunity to reap a victory at

the polls, but this was a feeling, whereas their judgment inclined them to Baker's broader view.

The delegates had been instructed by their constituents to nominate a full ticket, and they must have some good ground for disobedience. Knowing how easy it is for mere politicians to patch up their personal differences with political equivalents, we desired some sort of personal guarantee that the Bush nominees would be duly mindful of their obligations, but of course this could not be given in words. We must at least feel of them. So, for that purpose, I called on Mr. B. F. Harding, their shrewdest manager. I said:

"Mr. Harding, I have called to see if it is safe for the Republicans to vote your ticket this year."

He laughed and asked me what conclusion I had come to.

"Why, I think it a pretty good scheme."

"How many votes can you poll?" he queried?

Answer, "Five hundred."

"Why don't you claim more?—a politician would."

We discussed the situation for a short time, after which he said, "Some of your Republican brethren have asked us to pledge our votes to Colonel Baker in return for your help at the polls, but you know better than to ask it; you would not do it if you were in our place."

"Surely you are right," I said.

He then remarked, "Crandall is the only one you need to talk to."

I saw Mr. Crandall, who asked me directly, "Are you going to make nominations?"

"Yes, unless you give me your word that you will vote for Colonel Baker for United States Senator."

He asked, "Is my word good to you alone?"

"Yes," I answered.

"Then you have it," he replied.

I notified the Colonel, and we adjourned without nominating.

Soon after our adjournment, the head of the Lane ticket, Richard Miller (Uncle Dickey), with whom I had been ac-



quainted since arriving in Oregon, came and asked me why we did not nominate a ticket at the convention. Well knowing that he would use my answer on the canvass he was just starting upon, I said, "We did intend to nominate a ticket, but when we came to consider the matter all round, we thought our cause would be advanced further by voting the Douglas ticket." "Yes, yes, I see," said Uncle Dickey, and off he went to join his companions. And here let me say a word or two relating to him, that, although he was unschooled, he had had a varied and valuable experience in practical matters pertaining to frontier life in Missouri, where he had been a foremost man, a justice of the peace, a pillar of the Baptist church, and being of large and strong mould and courageous disposition, and from habit an advocate of whatever cause he favored, he was influential among his fellow citizens and an opponent that it was not safe to ignore. He had, too, been a member of our constitutional convention. So, Mr. C. P. Crandall of the Douglas ticket was deputed to canvass with Uncle Dickey. At their first debate, I think it was at Sublimity, Uncle Dickey "took the bull by the horns," as he said, and charged the Bushites with having sold out to the Black Republicans. Crandall, in his reply, remarked that his old friend Miller was not a man to make damaging charges recklessly and asked for his authority. Uncle Dickey did not shy the demand and said that he got it from headquarters, and being pressed for the name of the person said, "T. W. Davenport." Mr. Crandall insisted that his opponent must have misunderstood his informant and wished him to state the exact language used by Davenport. As Uncle Dickey could not recollect the exact words, the allegation was suspended for the time.

Crandall called on me the next day and wanted to know if I had told Uncle Dickey that the Bushites had sold out to the Republicans. Certainly I had not, and the language used by me was reported to Mr. Crandall, who at the next meeting entered a specific denial on the authority of Davenport. That evening Uncle Dickey came to see me, sorely perplexed, and

related the controversy in full. I remonstrated against the liberty he took in changing the form of my communication, at which he said, "I am not a high learned man and I want you to answer in my language, and I know you will tell the truth. Did you sell out to the Bushites?"

"Surely we did not."

"Well, what did you do?"

"We bought in."

Uncle Dickey turned away in utter disgust, and I never heard any more of the buying or selling. It is almost needless to say that the Beetle-head ticket did not appear with many figures on election day.

This combination, begun in the spring, was no doubt carried forward during the summer, though I was not a factor in it. Presumably, Colonel Baker was, and not strange either, for there was little difference between him and the Douglas men, in principle. Baker was not a stickler for theoretical consistency; not a faultless doctrinaire. What he admired most was the result, and believing that the Little Giant's Squatter Sovereignty in practice would prove to be a boomerang to its original promoters, he adopted it from the beginning. Some people, not understanding this phase of Baker's intellectual character, have accused him of being a vacillator for the sake of political advancement. The difference between him and Douglas was in this: Douglas said he did not care whether slavery was voted up or voted down in the territories, but Baker did care and gave his voice and influence in favor of freedom everywhere. So, anti-slavery, squatter-sovereignty Democrats in the Oregon Legislature could very consistently vote for the Colonel.\* At that Septem-

\*The following letter by Colonel Baker to William Taylor, State Senator from Polk County at the time, and Ira F. Butler and C. C. Cram, Representatives from the same county, all Democrats, gives Baker's views on the main political issue:

"Salem, September 21st, 1860.

"To Messrs. Taylor, Butler and Cram.

"Gentlemen: As you desire to know my opinions as to the doctrine of intervention, I give them with pleasure. During the congressional canvass in California in 1859, I said in substance in a speech made at Forest Hill,

ber session in 1860, the Legislature was composed of three parties, the two wings of the Democratic party and the Republicans, neither of which could elect a Senator, but a fusion of any two could. A union of the Republicans with the administration Democrats was not to be thought of, and a union of the two wings was scarcely less unnatural, if real Democratic principles should weigh with the anti-slavery Douglas men. In his address before the Legislature of 1899 (see Oregon Hist. Quarterly of 1907, March number, page 22) Judge Williams said: "The agitation of the slavery question had now reached a crisis. The good-Lord, good-devil style of politics had become disgusting. I made up my mind that, as far as my opportunities allowed, I would resist the further aggression of the slave power, and oppose the election to office of those who favored it. Accordingly, in the month of March, 1860, I went into Linn County to the residence of Delazon Smith and said to him: 'Delazon, I have come here to beard the lion in his den (Smith's friends called him the Lion of Linn). I am going to canvass Linn County, and my object is to beat you and General Lane for the Senate. Come on and make your fight.' " They traveled and stumped together, and whether as the result of this canvass or of the scurrilous stories told about Delazon as to his habits during the brief period he was in Washington as Senator from Oregon, has never been determined, but in the session of 1860 he was not a formidable candidate. Judge Williams was a candidate, however, throughout the session, but finally failed and attributed his defeat to the Salem Clique, with whom the Judge was never a favorite. It was a memorable contest, which made and unmade the political fortunes of several persons, and was from

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reported in the *Union* and a copy of which I will furnish you. "That I was in favor of the doctrine of non-intervention by Congress, or anybody else, with the people of the territories as to their domestic institutions; that I thought it wise and moderate and just to permit them to govern themselves as to slavery as well as other domestic affairs, as they thought fit." As I thought then, so I think now; and whether in the Senate or out of it, I shall carry out these opinions.

"Very respectfully your friend,

"E. D. BAKER."

the first an apparent game of chance which no one could quite understand.

The combination begun in Marion County was the chief feature of the session, and of course was stoutly resisted by the administration Democrats. Six of their Senators abandoned their seats and in the parlance of the time "took to the woods," at the beginning of the session, but returned and resumed their places, in answer to an appeal from the Governor. Though a strong partisan, he was patriot enough to place country above party, and for his firm stand at this session and sundry other services, John Whiteaker deserves to be kindly remembered by the people of Oregon.

Near the close of the session, Colonel Baker, despairing of success, posted notices announcing that he would deliver an address to the citizens of Salem and vicinity, the first of a series favoring the election of Lincoln. I had remained at home so far, but upon hearing of this, started at once and afoot to dissuade the Colonel from such hasty action. When I had reached the point where the State House now stands, I saw him rapidly approaching on his way home, and perceiving me he came up and in a hurried manner said, "We have failed and tonight I shall begin the campaign for Lincoln."

"Oh, no," I replied, "don't let us give up the ship yet."

He repeated some military maxim as to what a General would do when his men were becoming disheartened after long maneuvering in front of the enemy without success, and seemed fixed in his opinion that the case was hopeless. Continuing, he reminded me of what I had told him at the time of our spring convention, that Crandall would support him, but he has not and he makes speeches from day to day and no one knows what he is driving at.

"Crandall gave me his word as I told you at the time, and I think he will do as he agreed."

"Well, what does he mean; what does he want?"

"Want? Why he is as poor as a church mouse and, though a lawyer, is without clients. Presumably he sees that your election will open for you a broad and brilliant avenue, and

he would be above the average of human beings if he did not peer around for something that would be to his own advantage. He must be given employment. I hear that one of your California friends is intending to buy Oregon war scrip in case you are elected,—why not give Crandall the job and thus kill two birds with one stone?"

Without another word the Colonel turned about and walked rapidly towards Republican headquarters, leaving me to pursue my weary way alone. My personal knowledge extends no farther, but the Colonel was elected a short time afterwards; Crandall was for him and, according to newspaper account, bought scrip. The campaign for Lincoln did not begin that evening as published, but the two co-operating candidates, Baker and Nesmith, made non-political speeches to a large and much delighted audience. Nesmith was a fluent, effective and forcible speaker, but the disparity between the two was too apparent to be a matter of doubt. Baker at that time was 49 years of age and, according to the dictum of an Osler, should have been past his prime and on the down-hill side of life, but though his top-head was bald and the surrounding locks were beginning to show some signs of frost, his face was plump and ruddy, his voice firm and clear, and in action was as agile as in youth. Evidently he was in the full flush of vigorous manhood and opulent with reserve force. Like Henry Clay, the moment Baker faced an expecting audience, the tide of life began to swell and the brain to glow. He was always equal to the occasion, and this, if not a great, was to him a critical occasion. He was not yet elected to the Senate, and though Crandall had been won over, there were still some obstacles in the way which an admiring and enthusiastic public sentiment would go far to remove. So, on that delicious evening the citizens of Salem, the strangers and sojourners at the Capital City, were treated to oratory.

Baker, when he rose to speak, first stood for a moment or two face to face with his audience, getting in rapport with its moods, and he never misread them. There were many in that assembly who did not favor the Colonel's ambition, and the

heat of the senatorial conflict had developed the feeling against the California interloper who had come to Oregon with no other purpose in view than a selfish ambition to reach a high position to which the people of his adopted State would not elevate him, and this feeling was to be neutralized. Aye, more; for it there must be substituted a broader, higher, nobler and more generous spirit that would have a sovereign contempt for narrow geographical divisions. But to discuss the question was to revive it. So, to the auditors the speech was purposeless, indeed, they were beguiled into forgetfulness of purpose, and were wafted along on a stream of poetical allusion, fervid and inspiring eloquence, charming rhetoric, chaste and temperate compliment, which it was not in human nature to withstand. Next day the atmosphere of Salem was national and gave back no echo to the croakers. Baker had won by enchantment. The motives and inducements which govern in the election of a United States Senator, as the American people have often observed, are not all political or even defensible, and the election in 1860 was no exception to the general rule. Verily, wouldn't an election wherein the electors were actuated by motives pertaining to the general welfare, be worth going far to see? So, in that pivotal year, political principles of various denomination, partisan prejudice, personal favoritism and animosity, selfish interests of inscrutable feature; the high and the low, the patriotic and the base, conspired together and from the medley emerged a verdict which was very fortunate for the continuity of the Republic.

Fortunately, the clear-sighted historian must regard the denouement, for it gave two votes in the American Senate to the support of the administration of Abraham Lincoln, whereas the election of their opponents, Deady and Williams, would have resulted in leaving the loyal State of Oregon at zero in the national councils, in many matters pertaining to the rebellion. There is no doubt but Judge Williams would have proved equally with Nesmith, a friend to the administration's policies of conducting the war, but that M. P.

Deady, a pro-slavery Democrat of pronounced aristocratic type and a candidate of the Breckenridge wing of the party, would have been other than a critic and objector to all radical measures for crippling the resources of the rebels, cannot be doubted. As a Senator from a loyal State, it would have been against both his interest and his principles to secede, and conceding what has been claimed for him, that he was opposed to disunion, still favoring as he did a restored union with slavery, his course in the Senate would not have been in harmony with Lincoln, who would restore the union at all hazards. Deady was a large figure in Oregon, and though not an orator, yet with his grand physical proportions, his legal acquirements, his rigid respect for law and order and constitutional limitations, and his social accomplishments, he would have been a large figure even at the national capital, and perhaps a boulder in the way of the providential tide which was uprooting the deadly Upas that had borne the fruit of disunion. He was, however, a sagacious person and practical withal, and his admirer, John R. McBride said of him, in his address to the Oregon pioneers in 1902, before quoted from: "He believed in a government that had force behind it, and when the rebellion began in 1861 he became as ardent a champion of the Government as any Unionist in the land." As Federal Judge in Oregon he accepted the new regime and occupied thenceforth a commensurate place in the affairs and affections of the people.

But few men ever inherited such an admirable physical and mental constitution as Colonel Baker; at once sensitive, elastic, strong and enduring. He seemed to be immune to the weaknesses and ills which affect ordinary human beings, and so he was always ready for action. He was supremely ambitious, not, as is so common, for the acquirement of power and wealth, but for grand and brilliant achievement in the great contests of life. And in his exuberant imagination, opportunity became to him, who never felt humiliation, fruition and a crown of laurel. Hence his election to the Senate raised him to the summit in a career for which he had long striven and at a

time when fate stood pointing the way to immortality as the reward of supreme endeavor. The immediate future seemed big with events, and his old friend and compeer, Lincoln as President, would bring to view still higher summits and broader vistas to stimulate his ambition, wherefore Baker began a triumphal march from the Oregon metropolis to the Golden Gate, addressing the people by the way. His speeches were amazing in their patriotic fervor and altitude, lifting the electorate from the sordid plane of mere self-service and partisan jealousy, into the generous and starlit atmosphere of heroic social service. The climax was reached in San Francisco in his immortal speech at the theatre, during which one of the reporters, Frank Pixley, threw away his pencil, rushed bare-headed into the streets and gesticulating wildly, cried at the top of his voice, "Come in! Come in! The Old Man is talking like a God." He was near to the condition of the Hebrew prophet who was translated and the whole audience was swayed into ecstasy. Baker's whole course from this time until the fatal blunder at Ball's Bluff was the most brilliant and surprising in our history. His speeches in the Senate and the one at Union Square, New York, were such as only Baker could make, and no one can have any just comprehension of their effects upon an audience by reading them. One must have seen that perfect form in action, must have heard that soul-laden voice, must have witnessed the indescribable effects of those wonder-working eyes, to have any proper measure of the power and influence of E. D. Baker.

Shortly after the senatorial election, I went again to Rogue River Valley, accompanied by my family, to remain over winter. Democratic politics was as dominating there as in 1857, but not so one-sided, as it was split in twain, the Breckenridgers claiming the greater part. Though sadly in the minority, the followers of the Little Giant were quite resolute to maintain his principles, and refused any coalition with the other wing which treated them to the name, "Mulattos," a bad stroke of policy, for vinegar never catches flies. When we arrived in Phoenix, Colonel Baker had been there and



made a speech which stirred the political elements profoundly.

The Republicans were in fine spirits and a Lincoln Club was organized with Mr. Jacobs as president, and at the first meeting a resolution was passed inviting the opposition of all shades to come and take part in the discussions. And especially was this invitation to the Mulattos, who alone responded to the call. And as the Baker policy of squatter sovereignty had become the policy of the Oregon Republicans, at least it had not been protested, the Mulattos found themselves in congenial company. The Bell-Everett cause had some supporters, chief among them being James C. Tolman, and it is a curious fact that Jackson County contained more than two-fifths of all the trimmers in the State; 88 to 211 was the exact ratio. On the day of election Mr. Tolman asked my brother John, which ticket he intended to support. "The Lincoln ticket," was the prompt answer. "Better vote with me, John, for Bell and Everett, and no matter which of the others win, you can get off on the winning side." Probably, not all of the 211 who voted the Bell-Everett ticket were trimmers, but if so the proportion was not startling, in comparison with the total vote of the State—211 to 14,853. When great and critical questions are imminent, it is cheering to note that only a little over one per cent of the American electorate are too ignorant, too cowardly or too meanly selfish to assist in deciding them.

In the latter part of October, Delazon Smith, a Breckenridge elector, and T. J. Dryer, an elector on the Lincoln ticket, came to Phoenix and made speeches, the last of their joint canvass of the State. So, I had a good opportunity to hear those two noted speakers and compare them. I had heard Smith on several important occasions when there was much to bring out his talents, but on that quiet October day, before a hundred or so of citizens, he delivered the ablest speech I ever heard from him. There was no call for oratorical splurge or political clap-trap; no endeavor to stir up personal or race prejudice, but a clean and thoughtful presentation of the questions at issue between the two sections of the Union, and in a manner at once earnest, solemn and reflective. Still, there

was nothing heroic about it, no glorious and invigorating appeal to moral and intellectual manhood, no uplift from the habitual subservience of Northern Democrats, and in these respects was chilling and darkening to those who were hopeful of amelioration of the perpetual assault upon the original principles and purposes of the fathers.

I had never heard Dryer, and as his reputation for public speech was barely second to Delazon's, and there was such a fine opportunity offered him for triumphant reply, my expectations rose with the occasion. Besides, nature had given him a good, solid, earnest face, with a flash of brilliance in it, and from his appearance as he sat upon the platform listening intently to his opponent's arguments, the audience were anticipating a real duel. The introduction to his address was unlike anything his auditors ever witnessed. He began gesticulating furiously, accompanying it with as furious an outpouring of voice but without articulate utterance, and this performance was continued until people were beginning to doubt his sanity, when he very coolly informed them that that was his summary of Delazon's speech. Notwithstanding his explanation, the audience saw nothing rational in such an antic, and nothing he said afterwards, which in fact was very trite and tame, could efface the rude shock he had given them. If it had been a clever imitation of the tone and gesture of his predecessor, it might have served as allowable political spice, but it was wholly foreign to everything that had occurred. Smith, who had tarried after the close of his own speech, evidently to hear what course his opponent would take, turned and walked away without giving it even the merit of disgust.

In the larger and original view of the framers of the Constitution, the after-claim of slavery to perpetuity, was a revolutionary divergence pure and simple, and the continual harping by Democratic orators, of the rights of slavery and the threat of disunion, was enough to disgust any one who failed to recollect that the bulk of the American people had been educated in this school for almost two generations and

were therefore entitled to serious argument instead of Mr. Dryer's sovereign contempt.

Nothing of a political nature, worthy of note, occurred in Southern Oregon until the spring of 1861, when, after the bombardment of Fort Sumter, the pro-slavery sympathizers began to be heard from again. Of the nineteen counties in the State at the time of the adoption of the Constitution, Jackson was the fourth in population, gave more pro-slavery votes and a greater percentage of them than any other county, and three years afterwards gave a greater vote for Breckenridge and Lane than any other, wherefore it was assumed by those of Southern sentiment, that Jackson County would be at least neutral in the contest. As a bit of humor it was reported that the Butte Creekers, living in the north end of the county, had in fact seceded. Indeed, if the prevailing talk were to be taken as proof, the whole of Jackson had gone out.

Earnest Unionists were reminded every day that the public peace depended upon positive knowledge as to the position the whole of Oregon would take in the approaching struggle. There was no election near at hand by which to ascertain public sentiment, and the State and county officers were elected before the issue arose, and most of them were Democrats. Calling public meetings and passing resolutions was in effect to precipitate wrangling with no decisive response. Really the time for talk had past and the time for action had come. A conference with the leading Republicans of Phoenix developed only divided counsels, and deeming delay dangerous, I drew up a subscription paper to obtain money for the purpose of raising a liberty pole and a United States flag. The real purpose was to segregate the political elements of Jackson County, and it was a method which dispensed with argument and would rally round the flag many whom argument would only confuse and who from habit and the delicious memory of other days would exult at sight of the starry banner of the Republic. Subscribers were limited to 50 cents and, after signing, I presented it to Harrison B. Oatman, a Republican.

who, after inspecting it, asked with fearful emphasis, "Why, man, do you want to see blood run here in Phoenix?"

"Oh, no, my friend, this is to dispense with blood letting." But he did not sign, then.

The next man I presented it to was a Breckenridge Democrat, who was called One-Armed Tabor. I told him of Oatman's fears, to which he replied, "When it gets so that an American citizen is afraid to raise his country's flag, it is time for him to go down into his boots, and I am not there yet." My brother, John, Orange Jacobs, S. Redlich, a Jew (the Jews were all loyal), signed, and later Mr. Oatman—who was no part of a coward—reconsidered his hasty speech, assisted in raising the pole and flag, and later in recruiting a military company of which he became First Lieutenant.

The news went abroad, subscriptions came without asking, and as a surplus was undesirable, many had to be refused, but were permitted to sign as honorary members. A Dutchman by the name of Barnyburg procured a 100-foot pole from the mountains, and Mr. Redlich and I stood guard over it of nights until patriotic women had made the flag. In the meantime, the enemy came with a protest. A Mr. Wells, well known in the county, a very strong Southerner, came to the store of Redlich and Goldsmith, where I was employed, to inform us that the flag-raising would not be permitted. He introduced the subject in this style, "I hear that you are intending to raise a Yankee flag here in Phoenix next Saturday, and I came to tell you that it will cause blood to flow."

I said, "Mr. Wells, you have been misinformed, the flag we shall raise is not a sectional flag, but the flag of the Union you have marched under many a time and shouted for much oftener."

"Oh, that's a Yankee rag now, and it is not mine."

At this juncture George Woolen, who sat near, put his big hand upon Mr. Wells' knee and, looking him squarely and almost fiercely in the face, said, "Mr. Wells, that flag will go up Saturday and woe be to the man who raises his hand

against it." In the language of the poker table, the Yankee had called the Southerner's bluff and took the pot.

Late the next Friday, E. L. Applegate dismounted from his mule at the store and his first words were these: "I heard several days ago that there is to be a flag-raising in Phoenix tomorrow and I thought I'd come down out of the Sinkons and see about it, for from what I've heard some of our Southern brethren say, you may need help." (The last word he gasped out convulsively.)

Whether from fear or detaining employment, not as many attended the pole-raising as were expected, but with the help of wives, daughters, sisters, the tall flag staff was firmly planted upright without a halt or accident while some half dozen or more Southern sympathizers witnessed the event from the veranda of Pat McMannus' store, a few rods distant. One guy rope was managed by the women with the assistance of Samuel Colver Sr., an octogenarian immigrant from Ohio in 1857, and a pioneer to that State before 1800, as mentioned in previous pages. He was awarded the honor of raising the flag and he suggested that the girls should share it with him.

And in that crisis, it was verily a thrilling sight, the National banner aspiring to the top-mast like a living sentient thing, and unfurling grandly to the breeze, in response to the patriotic impulse of blushing, blooming maidens and tottering age. But exultant as were the feelings of that little assembly, at this ascension of the sacred symbol of national unity, liberty, order and law, there was no shouting; it was a solemn service, a conscientious performance of duty, for the future seemed to every one dark and portentous. Later, the expected ones arrived, and to this earnest, prayerful congregation, speeches were addressed by O. Jacobs and E. L. Applegate.

The flag at Phoenix went up every morning at the rising of the sun, and strange what courage the sight of it gave to timid souls. They soon waved in Jacksonville and all along the road north and south. Our Southern sympathizers were not wrong in their dread of the flag, for it was an assertion of sovereignty, a challenge to submission or combat, and they

were wise enough to engage in no useless struggle, and no further protest was made.

I left Rogue River on the first of June, and everywhere on my way north the signs of loyalty were visible. Disloyalty, whether much or little, was in hiding, and likely those affected with it were never so numerous as noisy, and then gave no intimation of discontent.

There was a Fourth of July celebration at Salem in 1861, and such a one as no American ever witnessed until then. The national anniversary, as we had known it, had but little rational connection to the great events which it was intended to commemorate, but had grown to be a day for recreation and amusement; a time for thoughtless revelry and buffoonery. True, the reading of the Declaration was never omitted and there was an oration having some reference to our revolutionary history, but these performances had become perfunctory, stale and unprofitable; a mere ceremony that the sooner past over, the less interference with the thoughtless wassail which reigned supreme. It was a rare occasion, indeed, when an orator of sufficient force and earnestness appeared to turn the attention of the people into serious and profitable channels. But in 1861 the crisis which had been long foreboding and often postponed by compromise, had at last arrived, and the old time revelry was as inopportune as mirth at a funeral. The gloom was thick upon us and there was no thought of trifling. The people had gathered in from far and near, came in wagons and carriages with their families, on horseback, afoot, every one holding a flag as though it were the ark of his refuge, all moving in procession this time from a sense of duty, and as silent as Spartan soldiers going into battle. I viewed the procession from a balcony and as it passed, voiceless, solemn and stern, I could not repress the visions, which rose on my sight, of carnage, of victories and defeats, but whether of ultimate triumph I could only hope and the uncertainty brought from my eyes unaccustomed torrents of tears.

## 1862 CELEBRATION.

The loyal citizens of Oregon met and greeted each other at the celebration of 1862 with a more energetic hand clasp and brighter faces than in 1861, for many things had happened to lighten the burden they then carried. The gloom of the first battle of Bull Run, which obscured their horizon, had been dissipated by the sunburst of Donaldson and Shiloh. The men of the West, with admirable foresight and resolution, had risen in their might, devoted to the arduous task of freeing the Father of Waters from the grip of rebellion, that the argosies of wealth borne upon his magnificent tide should go unvexed to the sea, and that no alien power should sit portress at his "watery gates."

There might be reverses, but the path of duty and destiny was plain, and that of itself was a great exhilaration. And, besides, the general election in June had been an overwhelming victory for the Union party, thus proclaiming that Oregon was a loyal unit of an indivisible republic. Not the least cheering fact in the series was, that a large majority of citizens can lay aside party names and subordinate partisan issues in the interest of the commonwealth. May it ever remain so.

Notwithstanding all this, it was well known that there were several thousand persons of Southern birth and lineage who deeply sympathized with their brethren of the sunny land whence they came, and were barely held in leash by the superior powers which environed them. Indeed, some of their young and more ardent sons had gone South and enlisted in the service of the confederacy. Those remaining were not contented with silent and inactive sympathy, but secretly organized themselves into companies, or squads, under the name of Knights of the Golden Circle, to be prepared for any emergency. Union men also organized Union League Clubs.

And thus this combustible material continued in juxtaposition, ready to be set in conflagration by a spark, until the military events of the years 1863 and 4 had rendered the Confederate cause entirely hopeless. How near we came to such an insane outbreak as was contemplated by the madcaps in

certain favorable contingencies, will never be known, but that such was imminent was the prevalent opinion among those cognizant of the secret work of the Knights. Of course they were not drilling and preparing their guns (muzzle-loading rifles brought across the plains) and amunition for protection against the assaults of Unionists, for they knew there was no particle of danger from such a source, so long as they did not raise the flag of rebellion against the legally constituted authorities. No! such was not the animus; they were miseducated, misguided enthusiasts, attached by kindred ties of blood and fond recollection to a brave and generous people, struggling against fearful odds for their independence. It was not, with many of them, the cement of slavery which attached them, as I knew very many had voted against the adoption of the institution in 1857. One communication I had from the lips of Hon. B. F. Harding may throw some light upon the occult conditions of that period, and I will give it from memory as I heard it from him a quarter of a century later.

It was, I think, in February of 1863, when a man by the name of McDonald, living in the forks of the Santiam River, in Linn County, a very influential person and well known in the adjoining counties, came to see Mr. Harding and notify him of what was about to happen, so that he might keep out of harm's way. Mr. Harding had been his confidential friend and legal adviser for many years, and he was impelled to give his old friend a word of warning. There was an interesting colloquy which I will give from memory. McDonald began:

"Ben, we rebels in the forks of the Santiam are going to begin work next week. We have got our guns and amunition ready, and have endured Yankee domination as long as we can."

"What," asked Harding, "you are not going on the war-path, are you?"

"Yes, we are."

"Who is it you are going to fight? I thought everything



was peaceable on the Santiam. The few Yankees up there have not broken the peace, have they?"

"No. But this abolition war has been going on for over two years, and it is time that every Southern man should show his colors. There are a good many more rebels in Oregon than you think. We have a company in the Forks, one in Albany Prairie, one in Benton County, one on the Long Tom, one in Douglas County, and two in Jackson County, and there are lots of our friends east of the Cascades, and we are going to get together in the Forks and make it warm for the nigger worshippers."

"Well, suppose you call together one thousand men in the Forks, how will they be fed? You don't expect every soldier to feed himself—that would be a queer sort of an army. There would have to be a commissary department, and that means a treasury with sufficient funds to purchase supplies and pay cost of transportation. Of course you have thought of all this, and that at least ten persons must contribute or be taxed to keep one soldier even in idleness. For a moment, fancy one thousand men camped over at Scio, and living on their own resources, for you know there was never an American community willing to donate to support an army even for defense, and you could not levy a tax. For my part, I would be willing to let you try that experiment, for in less than two weeks every man would go home cursing himself, and trying to forget that he was ever such a damn fool. I can assure you, however, that no such military gathering in opposition to the United States authorities would be permitted, and if your sympathizing brethren were so reckless as to resist the order to disperse, they would be arrested at all hazards and sent to jail. The proper place, in my judgment, would be the asylum for idiots and the insane. The Confederate flag would not cover them as prisoners of war."

"Ben, do you suppose we are such cowards as to surrender, and while they are arresting us, some of them would be snuffed out."

"Very likely; and suppose you killed a hundred or five hundred, which is improbable, your fate would be just the same. There would be no let-up until your entire force were killed or captured. Your old muzzle-loading rifles, that you brought across the plains, and which served effectively for killing game and Indians, are antiquated weapons as against the breechloaders, which can be fired five times to your once. Besides, the United States soldiers stationed at Vancouver would be sent against you, supplied with cannon, shot and shell, with which they could destroy you and keep out of range of your squirrel guns. Mac! you and I have been friends a good while; you have come to me for advice frequently, for which you paid me, but now I am going to offer you advice *gratis*, and I insist that you shall follow it to the letter. You go home and advise your Confederate friends to keep the peace. Remain perfectly quiet; do nothing and say nothing to stir up strife or ill feeling between Union men and rebel sympathizers. You should not feel humiliated at such a course, for it is wisdom to do so. If all your friends in the State should begin hostilities, and succeed in holding all of the country south of the Calapooia Mountains, it would not affect the result of this national contest a feather's weight. You and your friends in Oregon cannot hasten or retard the end a moment of time. You have it in your power to bring destruction to yourselves and families, but I insist that you shall not do it. You are good people, and I want to be near you and have the pleasure of your society as long as I live."

"Mac" did as he was advised, and lived respected and trusted by all good citizens, and his descendants occupy prominent positions in society.

There was enough division in Oregon to have brought on a destructive frenzy similar to that in Missouri, and would have done so but for the long distance separating it from the insurgent States, and the policy of the government in not diminishing our home guard by recruiting here.

On the 3rd of June, 1861, died Stephen A. Douglas, the precipitator of the conflict which disrupted the Union for four awful years. The Little Giant, presumably, had not the slightest anticipation of what happened, for like many another ambitious son of man, self aggrandized, was projected upon the future, which ever way he looked. His success as a governor of men, while being borne by the current, was so great that he was misled to believing himself the master of the current, but the Divinity which shapes our ends, he, in common with all mankind, had not comprehended, and to his perplexity and dire disgrace, he found himself a wreck upon the off shore. He committed many blunders, even when viewed with reference to his own selfish interests, as all men do who leave out of their calculations the moral laws inherent in human affairs; but he proffered all the atonement in his power, by exhorting his followers to attach themselves to the defenders of the Union, which he professed to love as well as Webster or Clay. His influence in turning them to the support of Lincoln's administration was, no doubt, valuable; at least, we felt it to be so in Oregon; and in the spring of 1862, the union of forces thus formed, placed the State Government, in all its branches, in the care and control of those who had no mental reservations to weaken their loyalty. Considered as to age and physical ability, the demise of Douglas was entirely unaccountable. He was but a little over fifty, of great vital powers, admirably formed, not a weak spot in his make-up, big-chested, big-brained, had a deep and powerful voice ample for all occasions, and we must infer that he is another instance among the many who, from disappointed ambition, have dropped, from sheer dejection of spirit, into untimely graves.

But those who fight in "some great cause, God's new Messiah," are not dismayed and dejected by personal defeat; they are sustained and soothed by an undying hope and self-consecration, even when the material form is incompetent to sustain its vitality. Douglas, however, was not so actuated, was not so sustained. His better impulses were over-borne,

and he served ignobly the malign power which cast him off contemptuously "to lie in cold obstruction and to rot."

It is seldom that human beings desist from a wrong course when once fairly started upon it. As Byron said of Napoleon: "A single step in the right had made him the Washington of worlds betrayed; a single step in the wrong has given his name to all the adverse winds of heaven."

The reason for continuance is patent; they have changed environment, taken down one standard and set up a different one and before they have committed one overt act, they are the bond servants of another master.

It required an overpowering light from heaven to turn St. Paul. There were plenty of moral lights about Douglas, but he heeded them not, or was oblivious to them. The taunts of his political opponents should have stirred him to self-examination. With veiled and courtly sarcasm, Seward remarked, when some one prophesied Douglas' election to the presidency, "No man can be elected President of the United States who spells negro with two g's." At another time he said, "Douglas' coat tails hang too near the ground." In his debate with Lincoln, how could he help seeing and feeling the dwarfed moral position he occupied? He must have seen it, but his associations, the cheering thousands actuated by no higher spirit and purpose than himself, would have enthralled a far better man than he, and he continued the contest, despite everything, to the bitter end.

It is related that Douglas stood beside Lincoln and held the hat and cane of his successful rival during the delivery of his inaugural address, and is it possible that while thus contrasted, the baffled conspirator against light and civilization, did not feel most oppressively the vast disparity between their destinies, and what else was there left for him but to counsel his followers to assist the real giant,—giant in physical stature, giant in intellect, giant in moral elevation, who never more than compassionately rebuked him—then go home and give up the ghost?

Seldom in the history of mankind has there been an instance of such summary and deserved retribution as was experienced by Stephen A. Douglas. Born and nurtured amid free institutions, and raised almost to the summit of power, then, when the preponderance over barbarism was assured, turning his talents to overthrow what had been gained and arrest progress, was not his fate well deserved?

My task is finished, and people who estimate the value of history by the fearful and astounding incidents which make lurid the annals of nations, will decide that the episode I have attempted to describe is of little value, that it is too tame and not worth while, in fact, that there is no lesson in it. True, there was no invasion, no insurrection, no unlawful conspiracy, no governmental interference, not even a street brawl or fisticuff, no bloodshed, and, so far as known, no intemperate or insulting language between those differing in opinion. But it must be a morbid taste which relishes only that in history which is illuminated by the outbursts of the militant spirit in human beings, and the proper office of the philosopher is in tracing back the casual chain of events to its point of departure from the path of rectitude, and determining the conditions which produced it, thus fortifying against future aberrations. And, indeed, history is valueless without such investigation, and philosophy has not come to its own until the means of immunity can be shown. The crucial point for philosophical investigation is the point of divergence, and the American people, as well as all others, are too heedless of the divergences, and so, sooner or later, find themselves struggling against powers which have grown from apparently trifling concessions they unwittingly granted, or evolved from devices they adopted with no other intention but to conserve the public interests.

And it is well to remember, that though a condition may be intruded into the social order by the volition of man, whether it be well or ill as respects the normal status of the social organism will be irrevocably determined by the evolu-

tionary process of natural law. Our lawgivers, however, act as though nature's edicts are not mandatory or are placable. Or possibly they think that man's actions are not governed by such laws; that whether he will or will not do a certain thing or follow a certain course is within his own keeping.

So, they expect to prohibit big gambling and permit little gambling; grant little privileges and be exempt from the encroachments of multiplied privileges; give a premium on selfishness in one place, and remain free from its spreading and growing exactions everywhere; found political parties empowered to reward its managers and promoters with the spoils of office, and yet not witness the evolution of political machines and bosses at variance with the public interests and coalescent with all forms and phases of human greed.

Notwithstanding the advance in the arts and sciences, in biology and sociology, the great mass of people have no expert knowledge as to what human beings will do in a given set of circumstances, and so, government, in its best estate, is an experimental affair. But it is a cheering sign that there is a growing interest in and a more critical examination of social problems and resulting discoveries of social wrongs, and to those thus engaged, several lessons worth while will appear in the preceding pages. And in any event, what a grand employment, tracing cause and effect, essaying the concatenation of the universe and aspiring to become the high priests of nature. And there is no exclusion—all may enter the temple, the prince and the beggar—all may come enrapport with the oracle—all may propound questions, and the answers will be true and righteous altogether.

It has been my desire ever since beginning this article to give the names of all those citizens who contributed by their voice and influence, as well as their votes, to the founding of the free State of Oregon, but after listing all that I knew personally and obtaining the assistance of D. W. Craig, editor and publisher during those years, I feel sure that the list will fall short of my purpose, and that perhaps some of the most

deserving have been omitted. But however faulty in this respect, the reader may rest assured that it is not from want of a desire to recognize merit where merit is due. Many persons of distinction do not appear in the list, for the reason that their sphere of activity did not begin until after the decision of the question in 1857. Some others who were prominent as opponents of the ruling Democracy, prior to that event, are not included, for the reason that they were neutral upon the slavery question. The Methodist Episcopal Church North was credited with being anti-slavery, but few of its members engaged individually in promoting free-state sentiment. And so far as I know, even among those who actively engaged in extending the free-state cause, the inalienable rights of the negro were seldom mentioned. The colored brother had few defenders, and to the others, the low moral tone, or rather the lack of moral tone, observable in Judge Williams' free-state letter, should not have been offensive.

## MARION COUNTY.

D. M. Keene	Dr. P. A. Davis
Wm. Porter	Dr. Chitwood
*E. N. Cooke	Leander Davis
J. H. Bridges	James Campbell
*Rice Dunbar	Wm. Engle
*Benj. Davenport	Jos. W. Davenport
Fones Wilbur	John Batchelor
I. H. Small	*John Denny
N. D. Simons	Fletcher Denny
Ai Coolidge	*Jos. Magone
*Thos. H. Small	*Wm. Greenwood
	*Dan'l Waldo

## YAMHILL COUNTY.

W. H. Odell	T. R. Harrison
S. M. Gilmour	Neill Johnson
*Dr. James McBride	H. V. V. Johnson
Sebastian C. Adams	W. B. Daniels
Geo. L. Woods	Aaron Payne
*W. L. Adams	*John R. McBride

## LINN COUNTY.

Ovigen Thompson	Hiram Smith
Dr. Tate	*John Connor
Wilson Blaine	*Hugh N. George
Thos. S. Kendall	*J. B. Condon

## CLACKAMAS COUNTY.

W. T. Matlock	Leander Holmes
W. C. Johnson	Hezekiah Johnson
Thos. Pope	G. H. Atkinson
J. S. Rynearson	W. A. Starkweather

## LANE COUNTY.

B. J. Pengra	J. H. D. Henderson
Joel Ware	Thomas Condon

## DOUGLAS COUNTY.

J. W. P. Huntington	Dr. Watkins
Thos. Scott	*Jesse Applegate.

## POLK COUNTY.

J. E. Lyle	Mr. Olds	Dr. Davis
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## WASHINGTON COUNTY.

E. D. Shattuck	S. H. Marsh
Levi Anderson	Mr. Walker
H. Hicklin	A. Hill
	W. D. Hare

## MULTNOMAH COUNTY.

Thos. H. Pearne	C. M. Carter
S. Coffin	J. Terwilliger
	*T. J. Dryer

## JACKSON COUNTY.

*John C. Davenport	*E. L. Applegate
*Sam'l Colver, Sr.	Lindsay Applegate
*Sam'l Colver, Jr.	*John McCall
*Hiram Colver	John Anderson
*John Beeson	Firm Anderson
*David Stearns	*Orange Jacobs

\*Those marked with an asterisk have been mentioned in preceding pages.



## FROM YOUTH TO AGE AS AN AMERICAN—III.

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### CHAPTER XI.

By JOHN MINTO.

#### THE CLIMATIC CONDITIONS OF THE NORTH PACIFIC IN THEIR INFLUENCE ON FORESTS, STREAMS AND AGRICULTURAL PRODUCTIONS.

The preceding papers have been written with the double purpose of showing conditions of life in Oregon as the writer has experienced them, and in order to indicate wherein they differed from the conditions of the Atlantic Coast, even as to the pioneer settlements, but especially as to flow of rivers and action of rain and wind on the soil; and the personal narrative has been used at the cost of diffuseness, in order to indicate the reasons for a difference of opinion as to the best form of a conservative forest policy as a national policy, from those who have so far controlled it. Believing in a general national conservative forest policy as firmly as the present able Chief Forester, and having practiced it in Oregon longer than he has lived, I feel constrained by my duties as a citizen to give the reasons for my position in the best form I may; and what I shall have further to say will be in connection with differences between the Atlantic and the North Pacific Mountain States, as alluded to in the President's message to Congress in 1902, recommending the reforestation of the South Appalachian Mountains. While endorsing all that is humanly possible for the nation to legally do toward reclothing the South Appalachian Mountains with the best hardwood forests the climate and soils will carry, that are most suitable for the demands of future manufacturers, the object, I believe, will be best attained by instructing and encouraging private initiative and ownership. It will beyond

question be a difficult undertaking to change the civic spirit of the inhabitants of the South Appalachian Mountains, and lead them to seek peace and honor in the culture, care and harvesting of forest resources, in any other way than by appeal to civic pride, where so many of them have either depended on occasional wage labor and the small game yet remaining in their bush-covered surroundings, or the cultivation of their rough little fields of corn, as breadstuff or as the basis of illicit distillation. It cannot and should not be attempted at public cost, without the good will of the people who have their homes in that region.

In advocating an American system of forestry, in distinction from the German system which the present Chief Forester began with and has clung to as much as the American spirit of men and institutions will permit, I am aware that the present population of the Appalachian Mountains may, perhaps will be, the greatest obstacle in the way of success, unless the improvement of their condition is made a first object in the plan. In some of his best papers in advocacy of a national forest policy, President Roosevelt has stated his conviction that "No policy will succeed unless it has the endorsement of the people;" in the judgment of the writer, that is most true in regard to the people who inhabit the South Appalachian Mountains. They are, or were, a "mighty poor," but also a "mighty proud" people; but, treated right, they are a mighty potent people; as the winning of Oregon proved; in which national drama they furnished by far the greatest contingent, by about three to one, when the Oregon boundary was agreed on. Their camp-fire war stories were all located in the Southern States—Florida, Louisiana, Kentucky and Tennessee. As reasons for reforesting the Appalachian Mountains, the President accompanied his message to Congress with a finely bound volume of maps, plates, and letter-press descriptions of the erosions made by copious rainfall in different localities on this chain of mountains, as the result of destruction of forest cover by over-cutting for homes or by forest fires. In support of the President's recommenda-

tion there has grown up quite a body of magazine literature in regard to the loss of natural resources by fire, floods, erosions, etc., ascribed generally to the destruction of the forest cover. These sources of waste are summarized by the President as follows:

"The Southern Appalachian region embraces the highest peaks and largest mountain masses east of the Rockies. It is the greatest physiographic feature of the eastern half of the continent and no such lofty mountains are covered with hardwood forests in all North America.

"Upon these mountains descends the heaviest rainfall in the United States, except that of the North Pacific Coast; it is often of extreme violence, as much as eight inches having fallen in eleven hours, thirty-one inches in a month, and one hundred and five inches in a year.

"The soil, once denuded of its forests and swept by torrential rains, rapidly loses first its humus, then its rich upper strata, and finally is washed in enormous volume into the streams, to bury such of the fertile lowland as is not eroded by the floods; to obstruct the rivers and to fill the harbors of the coast. More good soil is now washed from these cleared mountain-side fields during a single heavy rain than during centuries under forest cover."

This description of results by the President is unquestioned as to some of the mountains and farms of that region, and the manner of rainfall described is not uncommon as far north as Pennsylvania. On the Pacific Coast, however, the 105-inch record is limited to a low gap in the Coast Range in Tillamook County, Oregon, extending less than twenty miles from south to north. But the President's mention of the North Pacific as a region having as much rainfall annually as he mentions—105 inches—carries an inference, to the uninformed, that the North Pacific Coast receives its rains in the same way and with like results. Such an assumption would be a very serious mistake.

Judging by the number of writers seeking attention through the cheap magazines, it is time that some one who has lived on this coast and had some opportunities to have an intelligent view of nature's operations in the three separate ranges

of the Coast, Cascades, and Blue Mountains of Oregon should call attention to conditions peculiar to this region. From the experience of sixty-four years of labor-life, beginning with logging for a sawmill in the Coast Mountains, planting and cultivating trees, both fruit and forest, as a means of living, and clearing land for cultivation and cutting and burning young trees in defense of the rich natural pasturage which we as pioneers found on much of Western Oregon, I can say that I have no doubt that land-slides do occur on the west side of the Coast Range, as it receives the heaviest impact of both wind and rain from the Pacific Ocean, and in places the hill-sides are steep from weather-wear; but the only slide I remember to have noted came down heavily clothed with timber—about one and one-half miles east of Clifton, before the Goble & Astoria Railroad was thought of. With a large experience in the Cascade Range since, I would ascribe that slide to the tide wash in the Columbia River. It was due in part to the under softening by the tide-water and in part to the leverage of its timber rocked by the wind. Within the Cascade Mountains, following up the north bank of the North Santiam to the summit tree of the Davenport survey of 1874, eighty-seven and one-half miles from Salem, all the signs of surface disturbance off the right of way of the Corvallis & Eastern Railroad line—and there are many—are slides which brought down the trees with them, either broken up or partially covered with stone and soil. Almost uniformly there would be the evidence of slush and mud to indicate that the rocking of the trees by the wind had let in the rain, loading and loosening the mass. There are other kinds of surface movement in the Cascades, in places where there is little soil, but acres of broken rock of no value, which, however, tends toward soil-making by sliding down into the river. In the sixty miles of this valley of the North Santiam, with its south bank in sight most of the way, there is but one slide in sight from the north bank, and the mass is not more than five acres in area, but it represents a great aggregate of surface of steep mountain sides of broken up, hard, trap rock, at so steep an

angle that the weight of a man or even a sheep will start tons of it with a jingling, metallic grind, toward the brawling stream, busy with grinding rocks into gravel and sand and soil. In the case of this slide, it appears that the torrent, by undermining some softer rock—lime, marl, or volcanic ash—produced the slide which must have put thousands of tons under the grinding force of the stream. What has broken up these vast masses of hard, jingling stone? Are they the result of thousands or millions of years and countless earthquakes or volcanic upheavals? There is the presence of volcanic craters, now lake beds—like Marion Lake, sixteen miles east of this slide—the gem of this valley, at least as a natural fish-pond; then there are Clear Lake and Fish Lake, thirty miles south, draining into the McKenzie. All three of the lakes were formed by a mighty power throwing millions of tons of rock, scoria and ashes northeast from the cavities left, and the bottom of Clear Lake is formed by a grove of fir timber which must have slid gently to the place where they now are standing upright, with their tops thirty to forty feet below the surface of the water. Ten miles east from this slide is a bed of ashes as fine as bolted flour, above the timber-line of Mount Jefferson, on the southwest slope. Every summer the snow-melt above the ash-belt makes new channels over them, and turns the crystal streams of the main river at first dun color and then whiter as it flows west to the great Willamette Valley. Mounts Jefferson, Hood and Rainier each mother white rivers. In the hot days of August the White and Pamela branches of the North Santiam vary their flow from eight to sixteen inches daily. Mount Hood and the “Sisters” are the nursing mothers of streams in August and September, each sending down the life-giving fluid to bless human, vegetable, tree or animal life. The same general character of soil and soil formation reaches from the Willamette Valley eastward to and including the Rocky Mountains. From a point within forty miles southeast of the land or rock slide which started me on this descriptive tour, north to Puget Sound and south to New Mexico, soil on the highlands is colored reddish with

oxide of magnetic iron, showing gold-bearing quartz on thousands of hill-tops; the water clear and apparently pure, yet carrying in solution a mineral which loads pine-twigs so that they sink in the immense crystal springs that rise within five to eight miles east of the summit of the Cascades—full-grown mill-streams, clear as crystal and as cold as ice

In addition to the peculiarity of leaves, twigs and branches sinking in the waters of these large springs, so numerous at the east base of the Cascades, and which form the Matoles, which enters the Deschutes at the Agency, forty-five miles north, is the clearness and coldness of the water and its unsatisfactory character as drink—you wish to drink again at such short intervals. I have met more than one educated man who held that it is due to over-filtration—seeping so far through basaltic rock that the life principle is filtered out of it. The question arises: may it not be filtering through the stratum of volcanic ash which Professor Condon so finely describes in his geological history, "The Two Islands," the evidences of which remain throughout the mountain, valleys and stream-beds of the plains?

From where I stand in fancy at this writing, sixteen miles northwest reaches the hot-and-cold springs of the Santiam; twenty-six miles south reaches Crater Springs, on the head of the Matoles branch of the Deschutes. This crater is a fine, hollow cone, thirty feet high, at the bottom of which a current of ice-cold water is gurgling its way toward the Deschutes, the Columbia, and the Pacific Ocean. I was the old man of the party, and not sure the boys were not joking about the good water and ice they had found at the bottom of the gigantic bowl. One gave me his cup and an ax to reach in and chip off the ice. I could get a good drink by lying down, but the ice was further in, and over the water. I secured both, but saw also, when I rose to my feet, that I was surrounded by formation very similar to that around Soda and Steamboat Springs on Bear River, Utah, 700 miles eastward, and in woodland scenery not unlike that in sight from Pacific Springs, where we camped in sight of snow on the Wind River

Mountains in August, 1844. The same color and texture of soil, seemingly without humus, but which nevertheless will bear two months without rain better than the corn-lands of Iowa will two weeks.

#### OREGON WINDS SOIL-MOVERS.

The mention of the Wind River Mountains reminds me that we in Oregon are as different in the winds that blow as in the rains and snow that maintain the flow of our rivers, for we are free from their cyclones and downpours of eight inches of rain in eleven hours, as in the Appalachian Mountains, which I will notice after stating that warm or hot springs and volcanic ashbeds are, together with mineral springs, common occurrences all over the Columbia Valley from the west slopes of the Cascade Range to the Rocky Mountains.

The return trade-wind from the South Pacific is now called the "Chinook." It is the wind of blessing in more ways than those connected with or concerned with the Appalachian chain can well conceive of. "The early and the latter rains" it brings from the South Pacific Ocean; it is the prevailing winter wind over Oregon and Washington, and is the natural enemy of frost and snow in all the country west of the Cascade Range, so that snow to load the trees and whiten the ground on the plains is exceptional weather west of these mountains. The longest time that sleigh-riding could be indulged in, within the last sixty-four years, was in the winter of 1861-2, after the waters of the Willamette had receded from the highest flood known to the conquering race. We had seven weeks of sleighing at Salem; the livery stable men, in order to give the stock healthy exercise, hitched up all for which they had harness, and with a string of sleighs gave free rides to young and old. My wife and children were at Salem, my farm stock and feed four miles south. I already knew the sound of the moisture-laden wind coming over the cold strata next the earth, and I remember well with what pleasure I sought my bed when I distinctly heard the heavenly sound. It is to every Pacific Coast stockman a sound of de-

light; Aeolian harps are nothing in comparison to a feeling stock owner. My description may be indefinite, but it is known up to and over the passes of the Rocky Mountains, 800 miles, I understand, reaching the head of the cold, rich, Saskatchewan Valley. This wind, robbed of most of its rain by the Coast and Cascades, takes the snow off the country like a charm.

But this is not all: the "Oregon," the "Columbia," the "River of the West," second in size only to the Mississippi, is sand and gravel-making until it passes The Dalles, 200 miles from the ocean. From Cape Horn Rock, about 125 miles from the Columbia bar, the Chinook is an up-stream wind; sometimes so strong that it compels the largest river steamers to tie up. The writer has seen it take the water from the river in sheets, and throw it up as spray, fog, and cloud. From Cape Horn to Wind Mountain must be twenty-five or thirty miles of the grandest river and mountain scenery in the world. When not charged with rain, this Chinook charges itself with dry dust, sand, silt, and volcanic ash, and from weatherings of the broken basaltic rocks that largely line the grand gorge which this grand river makes through the Cascades; and deposits it in recesses like the Hood River and White Salmon valleys, but often at bends of its canyon, taking it up as an imperceptible dust, and laying it on the Klickitat, Wasco, and Sherman County Plains. In some places this action is so strong as to form sand dunes, as at Celilo, the mouth of the Deschutes, or extensive plains, as at Umatilla; but this will be found true: that slopes declining from the forces of the Chinook wind are the best grain lands. The wind movement is generally opposite to the stream.

The effect of this wind has been going on in the water courses as they have been formed in the uncounted years since the last volcanic era, widening the valleys as the wear of the



stream deepened them,\* and yet goes on, but with the effect of counteracting the tendency of the water to carry soil in the stream-beds, which, in regard to those extending to the Columbia, is slight, except in the case of cloud-bursts, which are happily of limited area and infrequent. The movement of soil-making by the wind may be fairly estimated at nine months of every year, in action, and the play of freshets by snow-melt lasts only about one month.

In order to show the more general effect of these soil-forming winds in shallowing the lakes of Southeastern Oregon, I insert the following extracts from Professor Condon's book, "The Two Islands," which I think should be used in the high schools of Oregon:

"In 1876, Governor Whiteaker, while camping in Eastern Oregon in the neighborhood of Silver Lake, noticed some fossil bones on the surface of the prairie and shortly after brought some fragments to the writer for examination. The Governor was soon convinced that he had discovered an important fossil bed, and the next summer by kindly furnishing a team and sending his son as guide, he gave the writer the pleasure of visiting this Silver Lake country. \* \* \* The last part of the journey took us through a monotonous dead level covered with sage-brush, until finally we reached the home of a ranchman on the shore of one of those strange alkali lakes whose flats are at this season covered with a thick inflorescence of alkali. Here we left our wagon and the next morning started on horseback for the fossil beds. After traveling about eight miles we saw, from the eminence of a sand dune, an apparently circular depression four or five miles across, in the lowest portion of which was a small pond or lake, surrounded by grass and tule rushes. Perhaps two

\*The following extract from a letter from a business man's observation (T. C. Elliot's, of Walla Walla, Washington,) will explain the effect:

"\* \* \* I am afraid that my own observations in the matter of alluvial deposits is not intelligent enough to be of value in the stating. In this particular section (Walla Walla) there is certainly considerable soil moved every year by the wind, but at first glance it is the lighter upon the heavier soils. The silt that is carried out upon the bottom land adjoining the rivers is kept there by being sown to alfalfa, etc. But there are blow-holes in our fields from which the ashy soils cover adjoining acres, often to their detriment; and there is a stretch of country in this country that is affected by the winds blowing up through the Columbia River gorge at Wallula and is blowing off as it is put under plow. This last spring the wheat was simply uncovered and blown away, both before and after germination. As to the better fertility of the 'slopes inclining from the sun,' that is very certainly true."

miles to the leeward this depression was bordered by a line of sand dunes, *unquestionably formed from sands blown from the bed of the lake that once occupied the whole of this depression.* It is the blowing out of this sediment which exposes the fossils buried in the depths of the old lake. \* \* \*

"Judging from the uniformity of its surroundings one is found unavoidably thinking of an extensive lake sediment, of which this fossil lake is only a very small portion. The original Pliocene lake probably included Silver Lake and Klamath Marsh with its surroundings, and perhaps Summer Lake and an extension eastward over the present Harney and Malheur lake regions. These waters were lowered to their present level by evaporation in excess of inflow. The mineral left behind accumulated until it covered the face of the pond like snow. \* \*

"Besides this extensive Pliocene lake already mentioned, there are, fronting on Snake River, a series of terraces, fragments of a continuous lake-bed from which the writer has received fresh-water fossils. Among these a small pastern bone of a horse was found, establishing the claim of the beds as Pliocene.

"The fossils of these Silver Lake beds were found often lying on the surface, bare of any covering. The sands and dust that had covered them were blown to the leeward where they lay in extended dunes, and this uncovering and drifting process was still visibly going on. Among these fossils we found many arrowheads of obsidian, such as were used by recent Indians."

This is the only allusion to native life Professor Condon makes while reading the geological history of Oregon from most original records and its use commended to our fellow citizens east of the Rockies. They may go far wrong if they assume that because 105 inches of rain may have fallen within one year in the Tillamook gap of the Coast Range, that it has any effect on the river system of Oregon; only one small river being affected; and there is yet no reason to fear the effect of our rains anywhere. As an old citizen of Oregon, from the office of the State Board of Horticulture, I gave my reasons ten years ago for opposing the initiation of the forest reserve system for the reasons assigned by the evidence drawn from the National Academy of Science, because it recommended imperial methods on unsustained assumptions and

assertions which I knew to be untrue, so far as they related to Oregon.

There are now being laid before the reading public in the various cheap magazines, papers on this subject of conservation of natural resources; one of the best of these is the *Technical World*, in which a Mr. Roy Crandall claims that the Missouri River washes away yearly, in its course through the State, 8,000 acres of farm lands worth \$100 per acre, or \$800,000, supported, he says, by the estimates of Prof. W. J. McGee, of the Inland Waterway Commission, from whom he quotes.

The writer is glad to be able to quote from advance sheets of a very able paper on forests and reservoirs with particular reference to navigable rivers, in the proceedings of the American Society of Civil Engineers, Vol. XXXIV, No. 7, by H. M. Chittenden, Lieutenant-Colonel, Corps of Engineers, U. S. Army, to be presented November 4, 1909. I quote only the summary of the points made by this able and trained scientific writer, and would be glad to see his entire paper as part of the next report from the Secretary of the Department of Agriculture of the United States.

He reasons calmly against the assumption that forests have a beneficial influence in preserving stream flow. He notes that the experiments of Gustav Wex, chief engineer in the improvements on the river Danube, adopted in 1897 by the committee of the American Academy of Science, but proved inconclusive, as did those made in France by M. F. Ballee, reaching an opposite conclusion, as noted by Mr. Chittenden in the paper here alluded to. The writer took issue with the committee mentioned, in 1897, and is therefore glad to endorse Mr. Chittenden's summary, which follows:

“(1) The bed of humus and debris that develops under forest cover retains precipitation during the summer season, or a moderately dry season at any time of the year more effectively than do the soil and crops of deforested areas similarly situated. It acts as a reservoir moderating the run-off from showers and mitigating the severity of freshets, and promotes uniformity of flow at such periods. The above

action fails altogether in periods of prolonged and heavy precipitation, which alone produce great general floods.

“(2) At such times the forest bed becomes thoroughly saturated, and water falling upon it flows off as readily as from the bare soil. Moreover, the forest storage, not being under control, flows out in swollen streams, and may and often does bring the accumulated waters of a series of storms in one part of a watershed upon those of another, which may occur several days later; so that, not only does the forest at such times exert no restraining effect upon floods, but by virtue of its uncontrolled reservoir action, may actually intensify them.

“(3) In periods of extreme summer heat forests operate to diminish the run off, because they absorb almost completely and give off in evaporation, ordinary showers which in the open country produce a considerable increase in the streams; while small springs and rivulets may dry up more than formerly, this is not true of the larger rivers.

“(4) The effect of forests upon the run-off resulting from snow melting is to concentrate it into a brief period and thereby increase the severity of freshets. This results (a) from the prevention of the formation of drifts, and (b) from the prevention of snow melting by sun action in spring and the retention of the snow blanket until the arrival of hot weather.

“(5) Soil erosion does not result from forest cutting in itself, but in cultivation, using that term in its broadest sense. The question of preventing such erosion of soil-wash is altogether one of dispensing with cultivation or properly controlling. The natural growth which always follows the destruction of a forest is fully as effective in preventing erosion, and even retaining run-off, as the natural forest.

“(6) As a general proposition, climate, and particularly precipitation, have not been appreciably modified by the progress of settlement and the consequent clearing of land, and there is no sufficient reason, theoretically, why such a result should ensue.

“(7) The percentage of run-off to rainfall has been slightly increased by deforestation and cultivation.”\*

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\*The reason Colonel Chittenden's last proposition is true is that a live forest carries a vastly heavier crop of vegetable life and roots much deeper than ordinary field crops. The leafage of the trees hold a proportion of the rainfall, but in the late summer when the land is thirsty a ripening cherry or prune crop is often injured by the bursting of the fruit—a result

The careful and able writer of the valuable paper of which the foregoing seven propositions are a part, says truly, "If they are correct they enforce two very important conclusions; one relating to the regulation of our rivers and the other to forestry."

The last proposition Colonel Chittenden states is connected with the first statement I made in connection with the run-off from the Willamette as close as manifest effect to cause; when I said in my view that the general level of life-sustaining moisture has lowered in many places two feet—in some places ten—by the process of ditching to drain roadbeds, common and rail, and for field crops, so that it is no longer the home of damp land birds, like the curlew, crane, gray plover and snipe, or the ducks, geese and swans, that it used to be sixty years ago. But I have given the observations of my labor-life on both plains and mountains in the June Historical Magazine of this year (1908) and did, indeed, in a more general way, in 1898 in opposition to the German system of forestry, the legality of which I doubted when it was first initiated and felt that it was not in accord with the genius of our form of government.

Seemingly to reconcile those like the writer, who believes that timber production is the very highest class of productive industry, we are beginning to see in the magazines that give the value of forestry as preservative of water flow, pictures of community life in Germany where communities have in-

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of the sudden intake by the feeding roots. On the other hand, some varieties of prunes shed their fruit when suffering from drouth. I have also noted the soft maple—a fine street shade tree in Western Oregon—take on autumn colors and shed its leaves fifteen to twenty days in advance of its neighbors of the same species, solely on account of a difference in the depth of soil under them. I have seen, within this month of October, French walnuts shed their leaves while their nuts were immature, clinging to the tree with hull unopen, the result of being on shallow soil with rock under and compact blue grass sod over their roots; while other trees of the same sort, within fifty feet of them, but on deep unsodded soil, were dropping the nuts of normal size clean from the hull, and holding their leaves, which slowly changed color. Where irrigation can be secured, on the property of an orchardist, its use is the surest means of producing perfect fruit. Thus water becomes more important as a resource, increasing the production of crops, of heat and of power.

vestments in bodies of forest land which are managed for them by officers called "Oberforesters" furnished by the Government presumably. A corner of the Black Forest is shown, where live a remnant of an Alamani tribe, which the Roman General, Caius Marius turned back from Rome over two thousand years ago. They live at and around Sulzburg, Baden, and use such teams in their forest as their forefathers used when marching toward Rome. They still keep oxen for teams, as then, but are settled where the doctor, teacher and minister are the aristocracy—take their glass of beer on a Saturday night—enjoy a jollification when the grapes are gathered, and are fortunate if they have a portion in the production of 10,000 acres of forest. This, according to the writer, contains thirteen communal forests, and one or two private forests, the owners of which have the right to manage their forests *as they like*. That is the form that I hope and trust practical forestry will take in the United States, the ownership to be an appurtenance to the land, the minimum proportion the land is to carry to be made a matter of record and its maintenance as obligatory as taxes, but free in all other respects.

## DOCUMENTS.

1. Speech of Senator J. Semple of Illinois in the Senate of the United States, January 25, 1844, on the resolution introduced by him to give notice to Great Britain of the desire of the Government of the United States to abrogate the treaty of Joint Occupation of the Oregon Country.

2. Report of an "Oregon" public meeting held at Alton, Illinois, November 8, 1842, and Mr. Semple's remarks at that meeting.

3. Report of an "Oregon" meeting held at Springfield, Illinois, February 5, 1843, with Mr. Semple's remarks on that occasion.

4. Extract from a letter from Messrs. Smith, Jackson and Sublette.

5. Declaration of the Oregon Convention, held at Cincinnati, July 5, 1843.

### SPEECH OF SENATOR J. SEMPLE.

On the 8th of January, 1844, Mr. SEMPLE introduced the following Resolution:

*"Resolved, That the President of the United States be requested to give notice to the British Government that it is the desire of the Government of the United States to annul and abrogate the provisions of the Third Article of the Convention concluded between the Government of the United States of America and His Britannic Majesty the King of the United Kingdom of Great Britain and Ireland, on the 20th of October, 1818, and indefinitely continued by the Convention between the same parties, signed at London, the 6th day of August, 1827."*

On the 25th of January, the resolution was called up for consideration, when Mr. ARCHER, of Virginia, Chairman of the Committee on Foreign Relations, moved to have it referred to the Committee on Foreign Relations.

Mr. SEMPLE said—

MR. PRESIDENT: I did not suppose, after the delay which has already attended the consideration of the resolution which I had the honor to introduce, that there would be any desire for a further

postponement. I had, at first, no disposition to urge a hasty decision of the question, and therefore, with great pleasure, yielded to the suggestion of my friends to give time for reflection. I was fully aware that it was a question of great importance, and I myself wished that every Senator should have ample time to examine the subject in all its bearings. I think sufficient time has been given, and I cannot consent to a longer delay.

The object of a reference to a committee is generally for the purpose of inquiry and examination, with a view to prepare and digest a complicated subject for the action of the Senate. If such inquiry and examination were necessary in this case, I should have no objection to a reference; but so far from this, it has been avowed by the honorable Senator from Virginia [Mr. ARCHER] that the object of the reference is delay. He does not wish to take any step whatever in relation to this subject, until after we have seen the result of negotiations which, he informs us, are in prospect. He is not willing to interfere with the President in these negotiations.

Now, sir, in the first place, I do not believe that the passage of this resolution will have any injurious effect upon any negotiation which may take place between the two countries. The very fact of commencing a negotiation presupposes that the parties are not satisfied with existing treaties. Can there be anything disrespectful to inform a friendly nation that we are not satisfied with an existing treaty, and propose to make a new one? Certainly not. This is the first step in making all treaties whatever. The resolution under consideration is nothing more than this. When we shall have given notice that we desire to terminate the present treaty, we are then better prepared to make or to receive propositions for a new one.

In the present state of the case, the British Government is well enough satisfied with the present treaty: we are not. Can any one suppose that, while the treaty with which the British Government is satisfied exists, there is the least prospect that a new one will be made? He who supposes so cannot be well acquainted with the character of the British Government. But if we abrogate this treaty, and take exclusive possession of the territory, then there will be some inducement for both parties to come to some understanding. But how is it possible that there can be any disrespect shown by giving the notice, and abrogating this treaty? The treaty itself provides for its own dissolution; the British Government has already agreed that we may abrogate it whenever we please. How then, can the Senator from Virginia suppose for a moment that we can give offense, or be looked on as standing in a hostile attitude, by doing that which we have a right to do by solemn compact—by



the treaty itself? But, sir, the Senator from Virginia is opposed to interfering with the President in any new negotiations which may be in prospect. My opinion is just the reverse: I am in favor of expressing an opinion in advance. I wish to indicate now to the President that we cannot agree to any treaty which shall provide for a joint occupation, or which shall allow any other nation to have any jurisdiction or control whatever over the soil of the Oregon. Are we to sit here with our arms folded, and wait until a treaty is made, and then reject it? Have we no power, or no right, to *advise* the President what course, in our opinion, should be pursued? I think this is the best mode of treating on any subject. The President himself should ask the advice of the Senate *before* a treaty is concluded. The Senate should *advise* first, and after it is signed then consent to the treaty. *Advice* and *consent* are both necessary on the part of the Senate. In this case, I am not sure that our advice is, or will be, obligatory on the President. He may or may not give the notice, even should this resolution pass: but it will be a strong indication, and will scarcely be entirely neglected by the President. We have the right, however, to act on the subject, whether our action is regarded or disregarded. We have recently, I think, entertained a similar resolution—I mean that introduced by the honorable Senator from Ohio [Mr. ALLEN]—and I am persuaded that if that resolution had been in Executive session, it would have passed the Senate. I have another reason for passing this resolution. I have not the most unlimited confidence in negotiations, as the best mode of securing our rights; we have frequently been outrageously cheated in negotiations. We have surrendered our territory by negotiations in the Southwest and in the West, with regard to our line with Mexico. All the country watered by the Rio del Norte was ours before we surrendered it; and the thirty-fourth degree of North latitude to the Pacific ocean should have been our boundary with Mexico. We have surrendered territory in the Northeast, and in the North, to Great Britain; and, sir, I want to see no more surrendered. For this reason I am a little afraid of negotiations, and I am not willing to let any other go on to a final termination without first giving some opinion as to what should be done, or, in other words, *advising* the President what to do.

Had the honorable Senator from Virginia [Mr. ARCHER] not made this motion to refer the resolution, with the avowed object of delay, I should not have said anything on the subject; and it is not my intention at present to occupy the time of the Senate longer than will be necessary merely to explain the reasons which induced me to introduce the resolution now under consideration.

It is well known to every Senator present, that the occupation of the Oregon Territory has, for some time past, engaged the attention of the people of the United States generally, but more particularly the people of the Western States. The people of the State which I have the honor, in part, to represent on this floor, has taken a very decided stand in favor of the immediate occupation of the Oregon. If I am not mistaken, the first *public meeting of the people* held to express a formal opinion on this subject, was held in the city of Alton, in that State.\* This was followed by several others, in Illinois and the adjoining States. During the last winter, a meeting of more than fifteen hundred persons was held in the State-House at Springfield, composed of members of the Legislature, and others, from every part of the State of Illinois, when this question was most fully discussed, and strong resolutions, expressive of the wish of the people of that State, were passed.° At several of these meetings I had the honor of addressing my fellow-citizens, and giving my views of the propriety of the organization of a Territorial Government west of the mountains, and of taking such steps as would effectually exclude all other Governments from exercising any jurisdiction over the soil admitted by all to be the undoubted property of the United States. During the past summer, the people of the Western States were invited to meet in convention at Cincinnati, in the State of Ohio, for the purpose of taking this subject into consideration, and to adopt such measures as would appear best calculated to secure the rights of this country, and expedite the settlement of the Oregon. A very large portion of the whole Western country was represented in this convention; a much larger portion than could have been induced to send delegates to a convention on any common or ordinary occasion.

The convention was composed of men of the very first political standing in the West, without regard to party divisions of any kind; all of both political parties joining most zealously in their endeavors to promote the object for which the convention was called—the immediate occupation of the Oregon. The convention declared, in the most unequivocal terms, that they would “*protest* and continue to protest against any act or negotiations, past, in progress, or hereafter to be perfected, which shall yield possession of any portion of the said Territory to any foreign power,” but more particularly against the possession by Great Britain.

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\*See Note A.

°See Note B.

The language of that convention was firm and determined, and I believe it is the opinion of nearly every man west of the Alleghanies.||

The people of the West have not contented themselves with expressing opinions—they have acted. For many years our citizens have gone into the country west of the Rocky Mountains for the purpose of hunting, trapping, and trading with the Indians. They have also more recently gone for the purpose of making permanent settlements. During the last year more than a thousand brave and hardy pioneers set out from Independence, in Missouri, and, overcoming all obstacles, have arrived in the Oregon. Thus the first attempt to cross the extensive prairies and high mountains which intervene between the settlements in the States and the Pacific ocean has been completely successful. The prairie wilderness and the snowy mountains which have heretofore been deemed impassable, which were to constitute, in the opinion of some, an impenetrable barrier to the further progress of emigration to the West, is already overcome. The same bold and daring spirits, whose intrepidity has heretofore overcome the Western wilderness in the midst of dangers, can never be checked in their march to the shores of the Pacific. During the next summer I believe thousands will follow. Extensive preparations are now making for a general move toward that Country. The complete success of those who have first gone will encourage others; and as the road is now marked out, I do not think I am at all extravagant when I suppose that ten thousand emigrants will go to Oregon next summer. In the meantime, what course shall the Government pursue?

The indication of public opinion thus everywhere expressed, and the apparent determination to emigrate, I am sure cannot be disregarded by this Senate. For one, I am sure that I cannot discharge the duty I owe to my constituents without using every exertion in my power to effect the object they have so much at heart. I cannot compromise, I cannot yield any part of the Oregon Territory. I cannot agree to wait for negotiations. I cannot agree that there is sufficient doubt as to our title to admit that it is a subject proper for serious dispute.

The joint occupation of the country never ought to have been a subject of negotiation. Our Government committed a great error, in my opinion, when the treaty of 1818 was made; and a still greater error when that treaty was indefinitely prolonged. It is, however, not beyond a remedy. The treaty was made on the supposition that it might become necessary to abrogate that part providing for a

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||See Note C.

joint occupation, and a plain and easy mode was pointed out in the treaty itself. This was for either party to give notice of a desire to abrogate that part of the treaty. This, sir, is the object of the resolution which I have had the honor to introduce.

This thing of a joint occupation of a country; and of a joint jurisdiction by two independent Governments, is an anomaly in the history of the world. I do not now remember anything like it, either among ancient or modern Governments. I have no doubt that it has often happened that two nations may have been at the same time in possession of the same country; but I think that in all such cases they have both contended for exclusive jurisdiction, and the joint possession has generally been hostile, and one or the other has been compelled by force to yield. I remember that there was once a joint and concurrent jurisdiction over a strip of country between Kentucky and Tennessee; I am not sure that there ever was in that case an *agreement* for the joint occupation; I am inclined to think there never was an agreement, but that both States claimed and exercised jurisdiction over the country until the question was settled about the year 1819. The Senator from Kentucky [Mr. CRITTENDEN] will no doubt remember this dispute. I think he was probably one of the negotiators of the ultimate settlement of the line between the two States.

The joint occupation which I have just mentioned was on several occasions near producing great difficulties, even when both States belonged to one General Government, and when the people of both States were friends and neighbors, and possessed of the highest degree of prudence and forbearance. The difficulties between the States of Ohio and Michigan, and that still more recent between the State of Missouri and Territory of Iowa, will show how tenacious Governments always are in relation to boundaries. These difficulties happened between States, when it would seem really to be a matter of no great consequence whether the disputed territory belonged to the one or the other, as both belonged to one common country. It is a matter of more serious consequence when the disputed territory lies between two rival powers, having no common umpire to determine the dispute. Nations generally adhere with greater pertinacity to a claim of territory than to any other species of right, and yield it with greater reluctance; scarcely ever without appealing to the only umpire between nations—the trial by battle.

I believe sir, that the recent surrender of a part of the State of Maine to the British Government is probably the only instance recorded in history where a great and powerful nation, with a full and complete conviction of its right to the soil, has tamely

surrendered a part of its domain from fear of war. That was a question of limits; this also is a question of limits. We have surrendered a part of the State of Maine; shall we also surrender a part of the Oregon?

It was after the treaty of 1842 that we of the West began to have doubts as to the propriety of treating on his subject. It was after this that we began to doubt the efficacy of negotiations to maintain our rights; and for this reason we have passed the strong resolutions which have been passed in the West, expressing a determination not to abide by any treaty that shall surrender any part of the Oregon. Our people will go there, and they will not submit to British domination. If the Government here will not protect them, they will protect themselves; and all the power of England will never be able to dislodge from the mountain fastness of the Columbia river, the hardy Western riflemen, who will in a few years occupy that delightful country.

I will not, Mr. President, add anything more to what I have said; I am not certain that there will be any serious opposition to the adoption of the resolution. I hope most sincerely that there may be none. I believe that a similar resolution will be adopted in the House of Representatives. The President cannot disregard these expressions of the will of the Nation. The notice will be given; in twelve months we will be free from any treaty stipulations; we can then extend our laws and Government over our people who have gone and will go there; and, in a few years, you will see what is now a wilderness, the most delightful residence of man.

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[NOTE A.]

OREGON—PUBLIC MEETING.

In pursuance of a public notice previously given, a meeting of the citizens of Alton was held at the Court Room, on Tuesday evening, November 8, 1842, for the purpose of taking the occupation of the Oregon Territory into consideration. Colonel N. BUCKMASTER was called to the chair, and J. E. STARR was chosen Secretary.

General J. SEMPLE made a motion to appoint a committee to draft resolutions expressive of the sense of this meeting, which motion was approved; and said committee was ordered to consist of General J. Semple, Mr. Jesse Reeder, Mr. S. W. Robbins, and Mr. S. S. Brooks. The committee having retired, returned and presented the following:

*Resolved*, That, in the opinion of this meeting, the occupation of the Oregon Territory is of vast importance to the whole Union, but more especially to the Western States.

*Resolved*, That we will, by every means in our power, encourage emigration to that country, and use our influence with our Delegation in Congress to have it occupied by the Government of the United States.

*Resolved*, That we will never give our consent to surrender any part of that Territory lying between the Russian and Mexican boundaries, to any Nation, for any consideration whatever.

*Resolved*, That this sentiment should be expressed before any further negotiation takes place, so as to prevent any steps being taken that will for a moment weaken the claim which we have to that *whole* country. With this view, we invite the attention of the people of the United States, the Legislatures of the several States, and especially those of the States of Missouri and Arkansas, and the Territory of Iowa, whose boundaries approach more near than any others to the Oregon Territory, and whose frontiers are more immediately exposed to any depredations which the Indians may be induced to commit.

*Resolved*, That we view the conclusion of a Treaty with England, without settling our Western boundary, as wholly overlooking our Western interests, while a finer opportunity than will, in all probability, ever again be offered, presented itself, to require and obtain a complete relinquishment of all the British claim to the Territory in dispute.

The object of the resolutions having been commented upon and explained, they were unanimously adopted.

A motion that the proceedings of this meeting be signed by the Chairman and Secretary, and published in the city papers, was approved.

Motion to adjourn prevailed.

N. BUCKMASTER, *Chairman*.

J. E. STARR, *Secretary*.

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Upon presenting the Resolutions, Mr. SEMPLE offered the following remarks:

He was in favor of the resolutions. He was glad to see a movement made among the people on the subject of the occupation of the Oregon. We were much indebted to the patriotic exertions of several members of Congress in relation to this matter; and probably to none more than to his much esteemed friend, Dr. Linn, of Missouri. He said that he had been for the last four or five years placed in a situation where it became his duty as well as inclination to study the commercial interest of the United States. He had during that time made himself acquainted with the importance to us of the vast trade of the Pacific ocean, and of the immense wealth that would flow into our country by means of the occupation of the Oregon Territory. The rich furs of the Northwest were alone a source of great wealth. Add to this the tropical productions of the western coast of Mexico and Central America, the pearls and gold of Panama and Choco, the inexhaustible mineral and other productions of Peru and Chili, on the western coast of South America, which would be brought within our limits through the Oregon. All these would only be a part of the wealth to be gained by having a population and sea-ports on the Pacific. The great trade of the East Indies, which has been for so many years of such great importance to every commercial nation, would be brought within a short distance of our borders. It is not very probable that East India goods will ever be carried by land from the Oregon to New York or Boston. It will probably be always cheaper for those cities to import them by sea around the capes. But we, in the center of the continent are very differently situated. The difference in the distance to the Pacific and the Atlantic is but trifling. With the same facilities for transportation, we can bring

goods from the mouth of the Columbia as cheap as from Boston or New York. We have, then, in our favor a distance of nearly fifteen thousand miles of sea navigation. The beneficial effects of this advantage would soon be felt as far as the banks of the Mississippi and Ohio. But suppose we do not, the future inhabitants of Oregon will reap these advantages. And who will they be? Our friends, relations, and countrymen, who may emigrate to those delightful regions. Every State that is occupied by our people will add to the general prosperity. They will be neighbors and friends and countrymen. Those who emigrate will be as much at home on the shores of the Pacific as on the banks of the Mississippi. Who is there here that has not come from some other State? He who has left Massachusetts, Virginia, or Georgia, to settle in Illinois, feels himself as much in his own native country as if he had never removed. The same national feeling still exists. He has not expatriated; he has not sworn allegiance to any other Government; he is still in the United States, under the same laws, entitled to the same protection, and proud of the same stars and stripes that waved over the place of his birth. It would be the same with him on the shores of the Pacific. The advantages which have been enumerated would be enjoyed by us if we chose to go there, and would still be enjoyed by us here in the persons of those who do go. Their happiness would be our happiness; their prosperity would be our prosperity; and their wealth would add to the general wealth and power of the nation.

Mr. SUMMIS said that he regretted exceedingly that the western boundary had not been settled in the late treaty of limits with England. He considered the right of the United States to the whole of Oregon, as far north as the Russian boundary, as clear as the noon-day sun. He thought that the right of the State of Maine to all that she claimed equally as clear. But a foreign nation laid claim to a part of that territory without any shadow of right whatever. Yet, we have seen the special agent of that nation refusing even to discuss the question of right; and yet proposing, for the sake of *peace*, to divide the country in dispute, and we have seen that proposition agreed to by the Executive and Senate of the United States. Mr. S. said he was as much in favor of *peace* as he thought any citizen of the United States ought to be. But, for himself, he would have preferred *war* before he would have yielded one inch of the territory claimed by the State of Maine. It is possible, before a long time, there will be a proposition, for the sake of *peace*, to divide the Oregon with the British. Will the West ever allow it? God forbid! Mr. S. said that if ever we were obliged to have war, he wanted to have as many good causes of war, and as many parts of the country interested in it as possible. If we had gone to war about the limits of Maine, we of the West would have been equally interested, and would have been found fighting together. But we have divided the question: we have settled the Maine controversy, and left ours unsettled. Will Maine and Massachusetts now have the same interest in a war for the Oregon, as if their own boundary were at stake? Mr. Semple here went into an explanation of what he considered to be the foundation of the right of the United States to the whole of the Oregon, as far as the Russian boundary, and the frivolous pretences of the British in laying claim to any part of it. He concluded by hoping that the West would never give up one acre of that country, though war, and repeated wars, might be the consequence of such refusal.

## [NOTE B.]

## OREGON MEETING.

At a public meeting held on the evening of the 5th of February, 1843, in pursuance of public notice, in the Hall of the House of Representatives, to take into consideration the subject of the settlement and occupation of the Territory of Oregon, the Honorable JESSE B. THOMAS was called to the Chair and NEWTON CLOUD was appointed Secretary.

On motion of Mr. Trumbull, a committee of nine was appointed to prepare and report resolutions expressive of the sense of the meeting.

The Chair appointed the following gentlemen said committee, viz: *Lyman Trumbull*, Governor *Moore*, Major *Hackleton*, *D. L. Gregg*, *John Dougherty*, *William H. Davidson*, *Thompson Campbell*, *Edward Connor*, and Mr. *Long*.

After some remarks by Judge *Semple*, Mr. *Trumbull*, and Mr. *Peck*, the meeting adjourned until Wednesday evening.

Wednesday evening the meeting was numerously attended.

Mr. TRUMBULL, from the committee appointed on the former evening, reported the following resolutions:

*Resolved*, That the right of the United States to the whole Oregon Territory is not to be questioned; and under whatever pretence any other nation may lay claim to that country, both the dignity and honor of the United States require that they should at once assert their right, and resist such claim.

*Resolved*, That the interest and safety of the United States demand that the Federal Government should take immediate and efficient measures for the occupation of the Oregon Territory, and the establishment there of a Territorial Government.

*Resolved*, That we view with distrust the occupation of any portion of the Oregon Territory by the subjects of the British Crown, and cannot but believe that the object of Great Britain in establishing military posts in that country, and encouraging her subjects to settle there, is to cause its settlement by a people devoted to her interests, and to afford her a pretense hereafter to claim the country as her own.

*Resolved*, That the policy of Great Britain in establishing colonies in remote parts of the globe, contiguous to other nations, with a view of extending her own power, and encroaching upon the territory of other Governments, should not be permitted to be brought to bear upon the United States; and that we will never give our consent to a surrender of any part of the Oregon Territory to that or any other power.

*Resolved*, That the settlement of the Oregon Territory by the citizens of the United States will prove of immense advantage to the commercial interest of the country, by affording harbors for our vessels in the Pacific ocean, and facilitating trade with the East Indies; and will greatly add to the safety, as well as the honor of the Republic.

*Resolved*, That if the General Government will but assert its rights, and extend its fostering care and protection alike to all citizens wheresoever settled within her limits, the day is not distant when our enterprising and adventurous countrymen, invited by the salubrious climate and fertile soil of the country bordering the Pacific, will extend thither their settlements, and dispense from the western shore of this vast Continent, wealth, commerce and freedom, to the remotest parts of the earth.



After the reading of the resolutions, the meeting was addressed by Judge *Semple*, Judge *Douglass*, and *U. F. Linder*, in favor of their adoption, and by *Mr. Baker* in opposition.

The meeting adjourned to meet again on Thursday evening. On that evening the Hall was crowded.

The meeting was addressed at great length by General *Hardin*, in favor of the resolutions.

*Mr. Matheny* of Springfield offered a substitute for the resolutions reported by the committee, which was read, and supported by *Mr. Matheny*, and *Mr. Baker*.

*Mr. Linder* also addressed the meeting again, in favor of the resolutions of the committee.

The substitute was laid upon the table, and the resolutions of the committee adopted.

The meeting then requested the two papers printed in Springfield to publish the resolutions.

The meeting then adjourned.

JESSE B. THOMAS, *Chairman*.

NEWTON CLOUD, *Secretary*.

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#### SPEECH OF JUDGE SEMPLE.

In this country, where public opinion not only governs the conduct of men in society, but the Government itself; where the President and Congress of the United States look to public sentiment as a proper rule of action, it is a matter of importance to adopt some mode of ascertaining that sentiment, and giving it its due weight in the councils of the nation. I know of no means more effectual than those of public meetings, where the whole body of the people can meet together, and, after full discussion, express in the form of resolutions, the opinions which they entertain.

Entertaining this opinion, I invited the attention of the public to the immediate occupation of the Oregon, at a public meeting of the people at Alton, in the month of November last. I found my expectations fully realized in the unanimous expression of opinion among citizens of all political parties on that subject. That, I believe, was the first public meeting ever called in the United States on the subject of the occupation of the Oregon. The proceedings of that meeting have been noticed and commented on in every part of the United States. This shows the interest that is beginning to be taken by the whole people of the United States on that subject.

This question presents itself to us in many important points of view. One of the objections to the extension of our territory is, that the Government will become unwieldy, and that States situated on the Pacific can never be kept under the Government of the United States, but must become independent. I think this opinion is entirely unfounded. The nature of our Federal and State Government is calculated to extend itself. I am quite willing to admit that one central Government would never be able to make laws to satisfy any great extent of territory; indeed, that now contained in the limits of the United States could never be governed by one and the same Legislature. But while the State Governments are maintained in the proper and constitutional exercise of individual sovereignty, they severally have all the powers necessary to an independent State, in the same manner, to all intents and purposes, as if the State

owed no allegiance or obligation to any other on earth. They can make all laws among themselves, that the wishes of the people might dictate, without interfering with any other. This interference a State would have no right to exercise if it did not belong to the Union, and was wholly independent. All such interference among independent nations is prohibited by the general laws of nations. The powers of the Federal Government are, and ought to be, limited to those matters which concern the whole—powers which no one State would ever desire to possess. If, while the several States were thus exercising the powers of sovereignty, we could suppose, or be assured, that there never would be any difference among them, or that none of them would ever be attacked by foreign powers, there would be no use for a Federal Government. But the sad experience of all nations proves that this it is idle to expect. The transactions now going on before our eyes, where a powerful maritime nation is actually robbing, in the most unjust and cruel manner, a people who never molested or injured them, admonishes us that we must be on our guard against like aggressions. This can only be done by presenting a powerful force, capable of preventing any attack, or of punishing any insult. This can only be done by the united force of all. The greater this power, the more certain will be the security. The more extensive our Union, the more powerful we will be; while one of a thousand States would manage its own affairs as well as if that was the only State on the continent.

I have long been convinced, that, under our peculiar and happy form of Government, so well adapted to the genius of our people, no extension of territory will ever endanger the Union; but, on the contrary, the tendency of extension will be to strengthen the Union. But suppose the contrary—suppose that extension be, in truth, dangerous; the question arises, how will we avoid the danger? Is extension more dangerous than division? Is it necessary for me at this day to portray the dangers of disunion? Have the glowing pictures drawn by the ablest statesmen and purest patriots been forgotten? Is the question of union or disunion again to be debated? God forbid! What, then, are we to do with those extensive regions west of us? The time has arrived when we must act. If we do not occupy them, others will. Our people will emigrate to those regions. Are we to extend over them our protecting arm, or will we either allow them to add to the power of some ambitious foreign nation, or let them form an independent Government? While none will admit the former, the latter would at once be disunion. It is a people that constitutes a nation, not a territory. Those who will emigrate to Oregon will be our people, possessed of the same ideas of Government; the same industry and enterprise, the same ambition, and the same powers of injuring us, if ever foreign intrigues should (which God forbid) make us enemies. I consider this Union as already dissolved and separated into two parts, by the separation of Texas; and the sooner we go to work to unite that, as one of our States, the sooner will we be able to cure the evils arising from disunion. I am convinced, that, at this moment of time, all the arts and intrigues of which European powers are capable, are at work to make the Texans our enemies. Those powers of intrigues have already triumphed as to all the rest of the States of Spanish America, and we are now suffering under its evil effect. Our interests, as well as our safety, require that we should look well to the effects of an extension of that hostility.

It is true, we have nothing to fear from the weak and puerile States of Spanish America. Have we as little to fear from a State composed of the Saxon race? Can we have any assurance that we will always be able to

maintain peace with the Texans without a common Government? Could we not, with the same reason, hope to prevent war between a northern and southern Government divided by the Potomac? Those who suppose so, must suppose against the opinions of the wisest and best of men as well as against actual experience. I assert, therefore the seeds of discord are now being sown by our enemies and rivals; and that, if we do not apply a timely remedy, we must come to suffer all that we have ever feared from disunion.

But it may be said that the Oregon is in dispute, and that we must take care how we tread, or we will have war with England. War has no terrors for the people of this country. The time has gone by when this nation shall agree to surrender a solitary just right to avoid war. If we are to surrender a solitary undoubted right through fear of war, the principle is the same as if, through fear of war, we were to surrender our independence. It is an old saying and a true one, that if we have our hands in the lion's mouth, we should get it out the best way we can. If a nation is weak and defenseless, and unjust and unreasonable demands are made upon it by a powerful nation, I admit that good policy and sound wisdom would justify the weaker nation in making the best terms possible, and even surrendering some of its undoubted rights, to preserve the rest. But is it not shameful, yes, disgraceful, for an American to hold such language? Are we that weak and defenseless people that would hesitate, and offer to give up one right to preserve another? Are we not strong enough to preserve all our rights? I must confess, that when I hear an American talking of surrendering our just rights "for the sake of peace," or, in other words, surrendering them through fear, I feel somewhat indignant. I have never, in the whole course of my life, felt so sensibly any act of our Federal Government as that which surrendered to the British a part of the undoubted territory of the State of Maine. The agreeing to one unjust demand always invites another. There is no stopping place. The encroaching power is encouraged by one concession to demand another, until all is gone. If we are ignorant of the character of that power to which we have lately ceded a part of the State of Maine, it is our own fault; we have sufficient evidence of that grasping people, who will not stop short of surrounding us with enemies. Mexico is now our enemy, not by nature, but made so by the intrigues of that very people who now border us on the north, and wish to join Mexico on our western frontier.

The same mail which brought to us the treaty ceding part of Maine, brought news, also, of ships sailing to the Pacific with the obvious intention of occupying the Oregon, or, at least, of preventing us from doing so. There never was, in my opinion, a greater mistake than to suppose that concession procures peace; the reverse is the truth. If, when the Barbary powers undertook to commit depredations on our commerce in the Mediterranean sea, we had bought peace by tribute, we would not only have been compelled to pay immense sums from time to time, but even that would not have protected us. We then took a different course. We asserted our rights at the mouth of the cannon, and no nation in the world has ever since carried on commerce in that country with so little interruption.

I will now proceed to state what I consider, not to be the foundation of our *claim*, but the proof of our undoubted *right* to the territory said to be disputed by the British.

The French, Spaniards, Russians, and British, have all laid claim, from time to time, either to the whole or part of the northwest coast of

America. Civilized nations have generally admitted the right of discovery, and agreed that any civilized people might justly occupy a country inhabited by savages. Discovery was the foundation of right or claim of the Spaniards; several of their navigators having sailed along the coast of America, in the Pacific ocean, as far as Cape Mendocino, and on some occasions, as far as the forty-ninth degree of north latitude. The Spaniards were undoubtedly the first who ever sailed on that coast. There never has been any definite limits set as to how much of any country was acquired by discovery. If the Spaniards sailed along the coast as far as California, which they most unquestionably did, before any other nation or people, they might lay claim to the whole coast.

California was discovered as early as 1534, and Cabrillo sailed as far along the coast as the forty-third degree, as early as 1540; while the first English ship, under the command of Sir Francis Drake, did not visit the northwest coast until 1578—nearly forty years after.

Whatever right the Spaniards may have had was ceded to the United States by the treaty of 1819. We have, then, by purchase, all the right which the Spaniards ever could have had.

The French claim was also founded on discovery. La Salle first discovered the mouth of the Mississippi, and laid claims to all the waters of that river. After the French colonies in Canada had increased, and their trading posts had extended from Quebec to New Orleans, they claimed not only all the waters of the Mississippi, but extended it indefinitely west, to all places not actually occupied by any other civilized nation. This was generally understood to include the Oregon. In support of this idea, the Louisiana extended to the Pacific, I will only at present mention, that this was admitted by England, at least; for by the treaty of Utrecht, in 1713, the boundary between Canada and Louisiana on one side, and the Hudson's Bay Company on the other, was fixed to commence on the coast in latitude fifty-eight degrees thirty-one minutes north, thence to run in a southwest direction to latitude forty-nine degrees north, and along that line indefinitely westward. So far, then, as England is concerned, she is prevented from saying that Louisiana was bounded by the waters of the Mississippi. After Canada fell into the hands of the English, Louisiana still remained in possession of the French until it was ceded to Spain in 1762, in whose hands it remained until 1800, when Spain receded it to France; and in 1803, France ceded it to the United States. The words of this cession are: "In extent the same as it now is in the hands of France, as it was in the hands of Spain, and as it formerly was in the hands of France."

All these transfers of Louisiana were without any specific limits. The ultimate purchaser, therefore, had a right to what ever could be shown to be, properly speaking Louisiana. It is not my intention to enter into a minute statement of these several claims on the part of Spain and France, nor do I consider it at all important, as both these nations have relinquished all their claims to the United States. It is only necessary to mention them as showing the extent of the claim purchased. Mr. Jefferson, that truly sagacious politician, understood the purchase of Louisiana as giving the right as far as the Pacific; for immediately after the negotiation was closed he sent Messrs. Lewis and Clark to explore those regions, whose visit to the mouth of the Columbia may not only be considered in the light of a discovery of that river, (which had, in part, been discovered by Captain Gray so early as 1787,) [sic] but may also be considered as an expedition, in the name of the Government, to take possession of Louisiana as purchased from the French.

The Russians had made many discoveries, and some settlements, in different places on the coast, which it is unnecessary to notice, because, by the treaty of St. Petersburg, that power relinquished to the United States all right whatever to all that part of the coast south of fifty-four degrees forty minutes north latitude. So that the only nation now claiming, against the United States, and any part of that coast between forty-two and fifty-four degrees forty minutes north is Great Britain.

Independent of the fact that both Spain and France had better claims than England, both of which claims have been transferred to the United States, and independent of the fact that the coast, as well as the interior of the country, were discovered by Captain Gray, and by Lewis and Clark, citizens of the United States, and that England has recognized our right by the surrender of Astoria, after the last war; there is one point of view in which, so far as regards England, we have an undoubted right: By the grant to Virginia, by Charles I, 1609, the King of England made the limits of Virginia to extend from Old Point Comfort two hundred miles northward, and two hundred miles southward, along the sea-coast, and all the land up into the interior, west and northwest, from sea to sea.

By the foregoing grant, the southern line of Virginia would extend on or near the thirty-fourth degree of latitude from the Atlantic to the Pacific, and the northern line would run across the States of Maryland, Pennsylvania, New York, and include a great part of Upper Canada. This extensive grant to Virginia was afterwards curtailed by several other grants to different persons, and the limits of Virginia were cut down to its present form, as far as related to the lines east of the Alleghany Mountains; but no subsequent grant or claim of any other colony ever interfered with the claims of Virginia to her possessions west of those mountains. The treaty of peace with England, in 1783, further curtailed her limits, so as to cut off all that part which laid west and north of the lakes, and the forty-ninth degree of latitude, west of the Lake of the Woods, as far as the Rocky Mountains. The treaty of 1783 was not intended, and could not be construed, to deprive any of the then colonies of the limits to which they were entitled by any previous grant, farther than its terms import.

That part of said treaty of 1783, which undertook to fix boundaries between the United States and the French and Spanish possessions, was wholly void; neither of the contracting parties having any right to fix their lines unless they were parties to the treaty.

Thus, we see Virginia, after the peace of 1783, claiming all the western country included in her grant, as far as the Mississippi; and this was undisputed by any other of the United Colonies, until she ceded all her western lands to the United States. I have said that Virginia did not claim west of the Mississippi; but why did she not? It was not because England had any right whatever to prevent it, but because, until the purchase of Louisiana, in 1803, the claims of Spain and France were considered paramount, as well to Virginia as to England, who granted it to Virginia; and we were not so hardy as to set up the grant of England, who had no title, against Spain and France, who, we had the justice to admit, had a better right. But what do we now see? England has the audacity, at this day, to set up a claim not only against the title of France, whose title was admitted by the treaty of Utrecht, in 1713, but against Virginia, to whom it was granted in 1609.

By a subsequent treaty with England, our northern line was fixed on the forty-ninth parallel of latitude, from the Lake of the Woods west, as far as the Rocky Mountains.

This line, it will be seen, stopped short of the Rocky Mountains. It does not pretend to designate the line beyond, either to give it to the British or acknowledge it to the United States. Being entirely silent, the grant to Virginia remained as it was at the time of the grant from England, which was from sea to sea. The acknowledgment of the independence of Virginia gave to her all the territory she then claimed, except so far as Virginia herself agreed to have those limits curtailed. When any nation becomes independent, it becomes so with the right to exercise sovereignty in all the territory claimed, and which it can maintain with arms; and when independence is acknowledged, the same act gives the sovereignty over that territory. Saving the claims of France and Spain, then, Virginia claimed, as against England, all the land from sea to sea; the purchase of Louisiana, therefore, with the cession from Virginia, which was good as against England, the United States became lawfully and of right possessors of all the land from the Atlantic to the Pacific. These limits went south of the present Mexican line, and north of the present Russian line. But as we have already ceded to those countries all north and south of the lines we now claim, we can have no other claim than to that country between the Mexican and Russian boundaries; but to that I think our right is beyond a doubt.

But there is another ground on which I place our right to the Oregon. And if, in taking this ground, I may depart from the idea some may entertain of right, I hope I may not be charged with injustice or even singularity, when they reflect that upon this ground the question will, in all probability, have to be ultimately determined. I allude to the right derived from power. We have the power to take it, and we will have it. It is contiguous to our territory. It suits us. There is a propriety and fitness in the country belonging to the United States, and there is no propriety or fitness in its belonging to the British. There is a great deal of justice and equity in our settlers' laws in this country. When a settler sets himself down on a tract of public land in Illinois, he lays claim to such portions of the adjoining land, as, in the nature, of the circumstances which surround him, is better suited for him than any other person; and he maintains this right even against the Government of the United States. If this can be done amongst individual citizens, how much more among nations, who never feel themselves bound by the same strict rules of the law, when convenience and power both unite to require the doing of the act.

We are not without British authority for this; for when that Government took possession of the Dutch Colony of New Amsterdam (now New York), the best reason that was given to the world was, that it lay between the English Colonies of New England and those of Virginia. Nor is this right of power to be in all respects scouted. Every nation has a right to seek its own happiness and safety. If we seek for a lawful cause for resisting the laws of England at the time of our Revolution, we shall find that as, strictly speaking, no resisting of law can be lawful, so the propriety of things (the fact that we could manage our own affairs, in our opinion, better than the Parliament and King of England, and that we could promote our own happiness and safety to a greater degree) gave us an undoubted right to declare independence, and take our station among the independent nations of the earth.

Having shown, as I consider, the right which we have to the country, I will proceed to show the advantages which would result to us from its occupancy. Not only at the present day, but from the earliest ages of the world, the trade of the East Indies has been of great importance to every

commercial nation. This trade we could control, to a great extent, by the occupation of the Oregon. From the time that the Portuguese discovered the passage around the Cape of Good Hope, and European nations saw the great wealth flowing into Lisbon, from a monopoly of the trade of the East, every one sought to find some mode of rivaling that enterprising people. The voyage of Columbus to the New World was never, at first, intended to discover a new and wild country, but to discover a passage to the East Indies. When he first landed in America, he supposed he was on the territory of the rich eastern empire, and hence he called the country by the name of India, which subsequently took the name of West Indies, in contradistinction to East Indies. This opinion prevailed for a long time among those who discovered this continent. Finding, ultimately, that the lands which had been discovered formed no part of the East Indies, the next step was to find a passage through the land into the great South seas, or Pacific ocean. It was not until thirty years after the discovery of America that Magellan sailed into the Pacific, through the straits that still bear his name, and went to the East Indies across that new and unknown ocean. He returned to Europe by the Cape of Good Hope; thus circumnavigating the globe in his voyage. Balboa had previously discovered the great Pacific at the Isthmus of Panama. From that time forward the Spaniards, as well as all the commercial nations of Europe, were constantly engaged in endeavoring to find a passage to the East Indies. Even up to this day, after all the habitable parts of this continent have been explored, we find many attempts making to discover a northwest passage, through which ships may sail to the coast of China, and by this means save the great distance around Cape Horn or Cape of Good Hope.

Not only has a passage been for three hundred years diligently sought, but from the time that Balboa first crossed the Isthmus of Panama, in 1513, to the present time, has the attention of the whole commercial world been turned towards the project of cutting a ship-canal across the Isthmus, for the purpose of facilitating trade with the East Indies. The Spaniards long contemplated this great work, but they never commenced it. They, however, for many years, carried on an extensive trade with the East Indies, landing the goods at Panama and Acapulco, transporting them on mules across the country, and thence shipping them to Europe. This trade was found to be very profitable, and continued to increase for many years, until the English, becoming powerful, at sea, sent a fleet into the Pacific, and destroyed both the commerce and the ships in which it was carried on.

Since the independence of Mexico, Guatamala, and Colombia, many projects have been set on foot, and numerous attempts made to complete what has been so long considered of so great importance—a canal across the Isthmus. Several routes have been proposed, and partial surveys made, in order to ascertain the practicability of such a communication, and to select the best route. Three principal ones, and those most generally spoken of are: 1st, across the Isthmus of Panama, in Colombia; 2d, through the Lake of Nicaragua, in Guatamala; and 3d, from the Bay of Tehuantepec through the Rio Huasticalco to the Gulf of Mexico. Humboldt adds two others in his speculations on this subject: the one is through the river Atrato, in the Gulf of Darien, and the other is by a canal connecting the waters of the Missouri with the Columbia river. This last, the most costly, the most circuitous, and passing the widest part of the continent, I verily believe, will be the first completed, and that goods will be brought from China, through the Columbia river, before sixteen miles of canal will be cut through the Isthmus of Panama.

Since the United States have grown to such vast commercial importance, the views of European nations have changed, in some degree, as to the benefits which might result to them from a ship-canal across the Isthmus. Before there was any commercial power in America, and the fairest portion of it were divided into European colonies, the shortening of the distance to China and Japan was of great importance, because that nation which could secure the passage, would of course monopolize the commerce. Now there is a rival in America to all these powers of Europe. That rival is now carrying on the trade to advantage, though situated at a greater distance. The communication by the Isthmus would throw the American traders nearer than Europe. This will require some explanation. As the trade is now carried on, the average distance from all the ports of the United States to the mouth of the Columbia river, by sea, is two thousand miles farther than the average distance from all the ports in Europe to the same point. If the canal could be opened, then the average distance from the ports in the United States would be two thousand miles less, making a difference, in favor of the United States, of four thousand miles of sea navigation.

To prove this, you have only to cast your eyes on a map of the world, and learn the nature of the winds and currents which set constantly westward from the coast of Africa towards the West Indies. In order to avoid these currents and the trade winds, and pass around Cape St. Rogue, on the eastern promontory of South America, every vessel going from the United States must go as far as the Cape Verd Isles, near the coast of Africa, and thence bear south and southwest to Cape Horn. Vessels from Europe make the same islands, and from thence the route is the same.

From the United States to the Cape Verd Isles is about four thousand miles. From Europe to the same point is about two thousand miles. (I speak in round numbers.) The distance from the United States to the Rio Huasicalco, in the Gulf of Mexico, is (say) two thousand miles; while from Europe it is four thousand. Thus it will be seen that the difference in favor of the United States is four thousand miles. By the present route, a ship from the United States, going to China or the northwest coast of America, would have to sail two thousand miles farther than would a ship from Europe. By the Isthmus, one from the United States would have to sail two thousand miles less than one from Europe, going to the same point anywhere in the Pacific. This makes it quite plain, that if we can get a communication through the Isthmus, the whole trade of the Pacific would be thrown into the hands of our enterprising merchants. A communication through the interior of this continent, by way of the Columbia and Missouri rivers, would, for some purposes, have the same effect, with only the additional costs of transportation; while for other purposes it possesses an immense advantage over the route by the Isthmus; for, by this way, the vast extent of country all along the route would be thus supplied with the articles of Indian manufacture, &c.

I have said thus much to show the vast importance which has always been attached to the trade of the East Indies. While the whole world has been, for more than three hundred years, laying plans to secure the advantages of that trade, we are now debating whether we will extend our government and laws, our population, our industry, and our enterprise, to a coast within twenty days' sail, by steamboat, to that very land the trade of which has been the theme of all tongues for so many generations!

Is it possible that the people of the United States, and of the Western country in particular, can be contented with a longer delay in the occupa-



tion of a country possessing so many advantages? No, sir. This question has only to be agitated among the people, as we are now doing it, and a voice, that must be obeyed in this country, will be sounded through the land, until Congress will be compelled to act. There will be no escape from an immediate occupation of the Oregon Territory.

Some travelers have represented the country as barren and sterile, with a climate damp and sickly, incapable of sustaining a dense population; while others represent it as rich and fertile, with a fine healthy climate, where the winters are so mild as that cattle can keep fat during the winter, on the common grass of the prairies. Now, according to the best information I have been able to obtain, as well from books as from travelers with whom I have conversed, I am satisfied neither statement is correct. You cannot find in Oregon such large districts of uninterrupted rich lands as are found in Illinois. The very nature of a mountainous region forbids such an idea. But there you find rich valleys and plains in some places, surrounded in others by extensive districts of barren and sterile lands, interspersed with rocks and mountains. We find the same thing occurring in the Alleghany Mountains, with probably this difference, that among the Rocky Mountains there are plains and valleys, as well as high ridges, that are sandy and entirely barren, while these occur to a comparatively limited extent among the Alleghanies. The result of this is only, that just so far as the barren and sandy lands extend, that number of acres, and no more, must be deducted from the whole amount of good and arable land in the country. That part of the country which is good, is said by all to be of the finest description. The timber is large, of good quality for every purpose, of improving farms, building houses, or for ship-building. The prairies constitute the finest grazing lands, which continues during the winter, even as far as the latitude we are now in, while the productions of agriculture are, in nearly every respect, the same as in Illinois. The climate is mild, and, what is still more desirable, it is steady. The experience of the present winter here, it appears to me, would make any one desire to change it either for a colder or a warmer climate. Steady cold would be much preferable to constant changes, such as we have experienced here for the last three months. Strange as it may appear to many, it is notwithstanding true, that on the coast of the Pacific there is a difference of about ten degrees of latitude in the climate, comparing it with this; so that in forty degrees, north latitude, you have the same climate as in thirty degrees on this side of the Rocky Mountains. You will have, therefore, in the Oregon, about such a climate, in point of temperature, as at New Orleans and Natches; while the high mountains and elevated valleys, together with an entire absence of lakes and swamps, make the country perfectly healthy. Here the sandy deserts come in for their share of advantages. The atmosphere about those sandy plains must be pure and dry; no unhealthy vapor can be sent from them over the adjacent rich lands; but, on the contrary, this circumstance adds to the health and comfort of the inhabitants.

The range of mountains which extend in width from the head waters of the Missouri, Yellow Stone, Platte, and Arkansas rivers, almost to the shores of the Pacific ocean, is but a continuation of the Andes, which run parallel with the Pacific ocean, entirely from Terra del Fuego, through Chili, Peru, Quito, Guatamala, and Mexico, to the Oregon, and become finally lost in the frozen regions of the north. These mountains are, in many respects, the same in character with those of the south; they rise in many places above the line of perpetual snow. The climate varies

greatly on the different sides of the same ridge, as well in temperature as in humidity. On one side you will see a fine green and fertile valley; and on the other side of the same ridge you find a dry and barren soil. In the whole extent of the Andes, they rise in ridges, one above another, in rapid succession, from the ocean to the highest part, there forming tablelands and valleys, which are more or less extensive; they all along gradually slope towards the east.

From this conformation, it follows that the rivers which empty into the Pacific are all small, compared with those that head in the same mountains, and empty into the Atlantic or Gulf of Mexico. It is not, therefore, to be expected that river navigation can ever be very extensive west of the Rocky Mountains. The Columbia river is navigable without interruption, only about one hundred miles from its mouth. The continued falls and rapids would render it very difficult and expensive to make a good river-navigation for any great distance towards its source. These falls, however, affording abundance of water above, would render it altogether easy to make a canal along its banks, rising towards the mountains by means of locks. But while this rapid fall of the waters, from the mountains to the ocean, is opposed to good river-navigation, there is one advantage to be derived from it which will always counterbalance this disadvantage: canals, for the purposes of irrigation, can always be made to flow over the adjacent valleys and mountain sides. In this manner the Peruvian Indians, prior to the discovery of America by Columbus, converted large districts of barren land (in a country where rain never was known to fall) into fertile fields.

I have no doubt but that many of those dry districts of the Oregon, represented as barren for want of rain, could be turned into the most fertile lands by means of irrigation; and this with no great expense. Those dry parts of the country will ultimately be the most agreeable places of residence, and at the same time the most productive. Being dry, the air will be purer and more healthy, while the rains neither prevent labor in the fields, nor interrupt traveling. They will be the most productive because, as there is no rain, the crops will have uninterrupted sun and heat (as necessary to vegetation as rain), while from the irrigation there will, at the same time, be afforded abundant moisture at the roots.

The mineral productions of the Oregon are, of course, but little known. Its riches, in this respect, must hereafter be developed. An abundance of rock-salt is found in the mountains, similar, in all respects, to that found in the same ridge of the Andes, in South America. The mineral productions, I have reason to believe, are the same as found in the whole of that ridge of mountains from north to south.

The Province of Sonora, in Mexico, was many years ago the richest gold region in America. The Spaniards found in that Province, as far as thirty-six of north latitude, gold washings, where one man would obtain several thousand dollars by a day's labor. The Baron de Humboldt, in his work on New Spain, affirms the truth of this, and says that the farther north they went, the richer were the gold mines. The wars with the Apache Indians finally drove the Spaniards from those rich mines. I have conversed with several persons who have been among the Apache Indians, and have heard indirectly from others, and all agree in the statement, that both north and south of the Rio Colorado of the west, there are rich gold mines. This rich, auriferous ridge extends to the Lake of Timpanagos, within the limits of the Oregon Territory.

The rivers are full of fish, of the finest quality. The salmon are caught in large quantities, and constitute an extensive article of commerce.

The trade in furs has always been very extensive. I cannot pretend, at this time, to give any very minute account of the amount of this trade, for many years in succession; but some idea may be formed of the amount by a table which I will read.

*Table showing the amount of Furs and Peltries exported from the parts of America owned or occupied by the British.*

SKINS.	AMOUNT IN DOLLARS.
Beaver .....	\$793,400
Muskrat .....	46,265
Lynx .....	11,020
Wolf .....	11,890
Bear .....	19,250
Fox .....	31,910
Mink .....	5,645
All other kinds .....	2,475
	<hr/>
	\$1,017,555

But some have said that the distance to the Oregon is so great that emigration to that country will be impracticable. This is a great mistake. The western part of the State of Missouri is in about sixteen degrees of west longitude from Washington. The mouth of the Umpqua is in about forty-five degrees west. A degree of longitude in forty degrees north will not vary much from fifty English miles. Thus it will be seen that from the settlements in Missouri to the Pacific ocean is less than fifteen hundred miles on a straight line going west. The Southern pass as it is called, near the head of the Platte river, will afford a good wagon road to the west of the Rocky Mountains. I will read from a letter, which I believe is authentic, and will show the facilities with which wagons may be driven into the Oregon:

*Extract of a letter from Messrs. Smith, Jackson, and Sublette, dated in October, 1829, to the Secretary of War.*

"On the 10th of April last (1829) we set out from St. Louis with eighty-one men, all mounted on mules, ten wagons, each drawn by five mules, and two dearborns, each drawn by one mule. Our route was nearly due west, to the western limits of the State of Missouri, and thence along the Santa Fe trail about forty miles, from which the course was some degrees north of west, across the waters of the Kansas, and up the Great Platte river to the Rocky Mountains and the head of Wind river, where it issues from the mountains. This took us until the 16th of July, and was as far as we wanted the wagons to go. Here the wagons could easily have crossed the Rocky Mountains, it being what is called the *Southern pass*, had it been desirable for them to do so. For our support on leaving the Missouri settlements, until we should get into the buffalo country, we drove twelve head of cattle, besides a milch cow, eight of these only being required for use before we got to the buffaloes. The others went on to the head of Wind river. We began to fall in with the buffalos on the Platte, about three hundred and fifty miles from the white settlements, and from that time lived on buffaloes, the quantities being infinitely beyond what we needed. On the 4th of August, we set out on the return to St. Louis; all the high points of the mountains then in view, being covered with snow; but the passes and valleys and all the level country, was green with grass. Our route back was over the same ground, nearly, as in going out, and we arrived in St. Louis on the 10th of October, bringing back the two wagons, (the two dearborns being left behind;) four of the oxen and the milch cow were also brought to the settlements in

Missouri. Our men were all healthy during the whole time; we suffered nothing by the weather, and had no accident but the death of one man, who was killed by the falling in of a bank of earth. Of the mules, we lost but one; and two horses stolen by the Kansas Indians. The grass being along the whole route, going and coming, sufficient for the support of the horses and mules. The usual weight in the wagons was about one thousand eight hundred pounds.

"The usual progress of the wagons was about fifty to twenty miles per day; the country being almost all open, level, and prairie. The chief obstructions were ravines and creeks, the banks of which required cutting down, and for this purpose a few pioneers were sent ahead of the caravan.

"This is the first time that wagons ever went into the Rocky Mountains; and the ease and safety with which it was done, prove the facility of communications overland to the Pacific ocean. The route from the *Southern pass*, where the wagons stopped, to the great falls of the Columbia, being easier and better than on this side of the mountains, with grass enough for horses and mules, but a scarcity of game for the support of men."

I have now detained the meeting longer than I first intended, and will conclude my remarks, in hopes that I may have the pleasure of hearing the views of others on this subject, as well for as against the occupation of the Oregon, if any shall be found who are opposed to it.

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[NOTE C.]

*Resolutions, and a Declaration, adopted unanimously by a Convention of Delegates from the States and Territories of the West and Southwest, held in the City of CINCINNATI, on the 3d, 4th and 5th days of July, 1843.*

*Resolved*, That the right of the United States to the OREGON TERRITORY, from forty-two to fifty-four degrees forty minutes north latitude, is unquestioned, and that it is the imperative duty of the General Government forthwith to extend the laws of the United States over said Territory.

*Resolved further*, That to encourage emigration to, and the permanent and secure settlement of said Territory, the Congress of the United States ought to establish a line of forts from the Missouri river to the Pacific ocean; and provide also a sufficient naval force for the protection of the Territory and its citizens.

*Resolved*, That for the purpose of making known the causes and principles of our action, the following declaration is unanimously adopted, and now signed by the members of this Convention, with instructions to the officers thereof to transmit a copy to the President of the United States, and to each member of Congress, and also to the Executive of the several States, with a request to present them to their respective Legislatures.

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DECLARATION OF THE OREGON CONVENTION.

*Declaration of the Citizens of the Mississippi Valley, in Convention assembled, at CINCINNATI, July 5, 1843, for the purpose of adopting such measures as may induce the immediate occupation of the Oregon Territory, by the arms and laws of the United States of North America.*

We, the undersigned citizens of the Mississippi Valley, do hereby declare to our fellow-citizens of the whole Republic, that in urging forward measures for the immediate occupation of the Oregon Territory, and the north-

west coast of the Pacific, from forty-two to fifty-four degrees forty minutes north latitude, we are but performing a duty to ourselves, to the Republic, to the commercial nations of the world, to posterity, and to the people of Great Britain and Ireland, not, as we believe, to be benefitted by the further extension of her empire.

Duty to ourselves requires that we should urge the immediate occupation of Oregon, not only for the increase and extension of the West, but for the security of our peace and safety, perpetually threatened by the savage tribes of the Northwest. That this duty is required of us as due to the whole Republic, all parts of which may not appreciate, as they seem not to have appreciated, the value of the Territory in question, and its political importance to the honor, prosperity, and power of the Union, to say nothing of our commercial interests and naval predominance, threatened as they are with injury or diminution, should the northeast coast of that ocean pass into the possession of a great naval power. That, as an independent member of the great family of Nations, it is due from us to the whole commercial world, that the ports of both coasts of this continent should be held by a liberal Government, able and willing to extend and facilitate that social and commercial intercourse which an all-wise Providence has made necessary for the intellectual improvement, the social happiness, and the moral culture of the human race.

That we owe the entire and absolute occupation of the Oregon to that posterity which, without such occupation by the citizens and free institutions of our great Republic, could not perfect or make available to themselves or to the world the important consideration above set forth.

That, however indignant at the avarice, pride, and ambition of Great Britain, so frequently, lawlessly, and so lately evinced, we yet believe that is for the benefit of all civilized nations that she should fulfil a legitimate destiny, but that she should be checked in her career of *aggression with impunity, and dominion without right*.

That for the independence and neutrality of the western coasts of the American continents, and the island of the Pacific ocean, it is important that she should be restrained in the further extension of her power on these coasts, and in the middle and eastern portions of that ocean.

That, so far as regards our rights to the Territory in question, we are assured of their perfect integrity, based as they are on discovery and exploration by our own citizens and Government, and on purchase and cession from those powers having the pretence of right to the same.

That beyond these rights so perfectly established, we would feel compelled to retain the whole Territory, in accordance with Mr. Monroe's universally approved declaration of 1823, that the American continents were not thenceforth to be considered subjects for future colonization by any foreign powers.

Influenced by these reasons and considerations, so important to us and the whole Republic, to liberty and justice, and to free Governments, we do subscribe our names to this declaration, with the firm, just, and matured determination never to cease our exertions till its intentions and principles are perfected, and the North American Republic, whose citizens we are, shall have established its laws, its arms, and its free institutions, from the shores of the Pacific to the Rocky Mountains, throughout the limits above specified.

And we do hereby protest, as we shall continue to protest, against any act or negotiation, past, in process, or hereafter to be perfected, which shall yield possession of any portion of the same to any foreign power:

and above all do we remonstrate against the possession of any part of the northeast coast of the Pacific ocean by the power of Great Britain.

The following resolution was offered and passed:

*Resolved*, That six Commissioners be appointed by this Convention, whose duty it shall be to urge upon Congress, personally or otherwise, the resolutions and declaration of this Convention; to open a correspondence with the citizens of other States, and endeavor by all means in their power to obtain the favorable action of the National Legislature on a bill for the immediate occupation of our territory on the Pacific, between forty-two and fifty-four degrees forty minutes, north latitude.

Commissioners appointed: Thomas Worthington, W. W. Southgate, William Parry, E. D. Mansfield, S. Medary, and T. McGuire.

RICHARD M. JOHNSON, *President*.

W. W. SOUTHGATE, Kentucky,

SAMUEL MEDARY, Ohio,

W. B. EWING, Iowa Territory,

JOHN KANE, Indiana,

*Vice Presidents.*

WILLIAM PARRY, *Secretary*.



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